



**A REGULAR MEETING
OF THE WESLACO CITY COMMISSION
TUESDAY, JANUARY 2, 2024**

NOTICE IS HEREBY GIVEN THAT the City Commission of the City of Weslaco, Texas will hold a Regular Meeting in the Legislative Chamber of City Hall, located at 255 South Kansas Avenue, on Tuesday, January 2, 2024 at 5:30 PM for the purpose of discussing the following items:

NOTE: If during the course of the meeting, any discussion of any item on the agenda should be held in executive or closed session, the Weslaco City Commission will convene in such executive or closed session whether or not such item is posted as an executive session item at any time during the meeting when authorized by the provisions of the Texas Open Meetings Act.

Pursuant to Texas Government Code Section 551.127, on a regular, non-emergency basis, the Weslaco City Commission may attend and participate in the meeting remotely by telephonic conference. Should that occur, a quorum of the members will be physically present at the location noted above on this agenda.

I. CALL TO ORDER

- A. Certification of Public Notice.
- B. Invocation.
- C. Pledge of Allegiance.
- D. Roll Call.
- E. Mayoral Recognition.
 - 1) Recognition for Janelle Medellín, Miss Galaxy 2024 International.
 - 2) Recognition of the 2023 Weslaco Royal Court.
 - 3) Recognition of Griselda Martinez, Civil Service Commission.

II. PUBLIC COMMENTS

The Public Comments portion of the meeting promotes a fair and open process for the governance of the City. This portion of the meeting is not intended to be an extended discussion or a debate and is limited to three minutes for each presenter. Due to the Texas Open Meetings Act, the Mayor and City Commissioners do not reply; they listen. Matters under litigation are not to be addressed and comments regarding specific City employees and elected officials may be prohibited.

The Public may comment on anything on the agenda, however if you comment on something not included on the agenda, the Commission cannot take any formal action until it is placed on an agenda and notice of the meeting is properly posted. Registration for Public Comments must be submitted to the City Secretary before the City Commission meeting is called to order. As the Mayor calls upon those who submitted a registration form with the City Secretary, please step to the podium and state your name and address before beginning your presentation.

III. REPORTS

- A. Weslaco Economic Development Corporation.
- B. Weslaco Chamber of Commerce & Visitor Center.

IV. CONSENT AGENDA

All items listed under the Consent Agenda are considered to be routine and the Governing Body has been furnished with background and support material on each item and will be acted by one motion. Any Commissioner may remove items from the consent agenda by making such request prior to a motion and voting on the Consent Agenda.

- A. Approval of the Minutes of the Regular Meeting on December 5 and December 19, 2023. (Staffed by City Secretary's Department.) Attachment.
- B. Approval for staff to solicit proposals for an Employee Assistance Program (EAP) and authorize the Mayor to execute any related documents. (Staffed by Human Resources Department.) Attachment
- C. Approval to purchase (and issue to) Honorably Retired Peace Officer Captain Gerardo "Jerry" Oliva's service weapon, a Glock Model 22 Gen 4 engraved "WESLACO PD", a used handgun with serial number WXN018 for the amount of \$255.00, as allowed under Texas Government Code Section 614.051 and authorize the Mayor to execute any related documents. (Staffed by Police Department.)
- D. Approval to purchase (and issue to) Honorably Retired Peace Officer Sgt. Arnulfo Sandoval's service weapon, a Glock Model 22 Gen 4 engraved "WESLACO PD", a used handgun with serial number WXN019 for the amount of \$255.00, as allowed under Texas Government Code Section 614.051 and authorize the Mayor to execute any related documents. (Staffed by Police Department.)
- E. Approval to withdraw the City of Weslaco Water Conservation and Drought Contingency Plan Stage 2 and authorize the Mayor to execute any related documents. (Staffed by Planning & Code Enforcement Department.)

V. APPOINTMENTS

- A. Discussion and consideration on Resolution 2024-01 appointing a Civil Service Commission Member to fill a vacancy for an unexpired term ending July 19, 2025 as a result of a resignation and authorize the Mayor to execute any related documents. Possible action. (Staffed by City Manager.) Attachment.

VI. NEW BUSINESS

- A. Discussion and consideration to approve the application for the waiver of an existing encroachment within an alley at 401 S. Texas and authorize the Mayor to execute any related documents. Possible action. (Staffed by Planning and Code Enforcement.) Attachment.

- B. Discussion and consideration to purchase two (2) John Deere Z960M 72" ZTrak deck mowers from vendor Deere & Company/Tellus Equipment Solutions under TX BuyBoard Grounds Maintenance Contract 706-23 in the amount not to exceed \$31,940.68 as budgeted and authorize the Mayor to execute any related documents. Possible action. (Staffed by Parks & Recreation Department.) Attachment.
- C. Discussion and consideration to modify/amend the Purchasing Policy to reflect Standard Federal contract requirements for the procurement process and authorize the Mayor to execute any related documents. Possible action. (Staffed by Grant Writer.) Attachment.
- D. Discussion and consideration to approve a Grant Application Agreement with Halff Associates for the Harlon Block and surrounding area Regional Detention Facility project and authorize the Mayor to execute any related documents. Possible action. (Staffed by Engineering Department.) Attachment.

VII. EXECUTIVE SESSION

Texas Government Code, Section 551 Open Meetings:

§551.145. Closed Meeting Without Certified Agenda or Tape Recording; Offense; Penalty

(a) A member of a government body commits an offense if the member participates in a closed meeting of the governmental body knowing that a certified agenda of the closed meeting is not being kept or that a tape recording of the closed meeting is not being made.

(b) An offense under Subsection (a) is a Class C misdemeanor.

§551.146. Disclosure of Certified Agenda or Tape Recording of Closed Meeting; Offense; Penalty; Civil Liability

(a) An individual, corporation, or partnership that without lawful authority knowingly discloses to a member of the public the certified agenda or tape recording of a meeting that was lawfully closed to the public under this chapter:

(1) commits an offense; and

(2) is liable to a person injured or damaged by the disclosure for:

(A) actual damages, including damages for personal injury or damage, lost wages, defamation, or mental or other emotional distress;

(B) reasonable attorney fees and court costs; and

(C) at the discretion of the trier of fact, exemplary damages.

(b) An offense under Subsection (a)(1) is a Class B misdemeanor.

(c) It is a defense to prosecution under Subsection (a)(1) and an affirmative defense to a civil action under Subsection (a)(2) that:

(1) the defendant had good reason to believe the disclosure was lawful; or

(2) the disclosure was the result of a mistake of fact concerning the nature or content of the certified agenda or tape recording. (Added by Acts 1993, 73rd Leg., ch 268, § 1, eff. Sept. 1, 1993.)

NOTE: Any documentation related to the following items will be maintained as part of the certified agenda.

- A. Personnel - Discussion regarding the goals, objectives, and evaluation of the City Manager for the City of Weslaco as authorized by Section §551.074 of the Texas Government Code.
- B. Contract Negotiations – Discussion with the City Manager and City Attorney relating to the City's rights, duties, privileges, and obligations in connection to the Collective Bargaining Agreement with the Fire Union (IAFF-WFFA Local 3207) FY October 1, 2022 – September 30, 2025, as authorized by Section §551.071 of the Texas

Government Code.

VIII. POSSIBLE ACTION ON WHAT IS DISCUSSED IN EXECUTIVE SESSION

IX. ADJOURNMENT

I hereby certify this **Notice of a Regular Meeting of the Weslaco City Commission** was posted in accordance with the Open Meetings Act on the outside bulletin board at City Hall of the City of Weslaco, located at the 255 South Kansas Avenue entrance, visible and accessible to the general public during and after regular working hours. This notice was posted on this 29th day of December 2023 on or before 5:00 pm and will remain so posted continuously for at least 72-hours preceding the scheduled time of this meeting in accordance with Chapter 551 of the Texas Government Code.

/s/ Norma A. Cantu, City Secretary

NOTE: If any accommodation for a disability is required, please notify the City Secretary Department at (956) 968-3181, Ext. 1001 prior to the meeting date.

Regular Meetings of the Weslaco City Commission stream live online at <http://www.weslacotx.gov/open-government/open-meetings>. Archived video of some meetings are also available.

Removed from Bulletin Board

Date:

Initials:

PURSUANT TO SECTION 30.06, PENAL CODE (TRESPASS BY LICENSE HOLDER WITH A CONCEALED HANDGUN), A PERSON LICENSED UNDER SUBCHAPTER H, CHAPTER 411, GOVERNMENT CODE (HANDGUN LICENSING LAW), MAY NOT ENTER THIS PROPERTY WITH A CONCEALED HANDGUN".

“DE ACUERDO CON LA SECCION 30.06 DEL CODIGO PENAL (INGRESO SIN AUTORIZACION DE UN TITULAR DE UNA LICENCIA CON UNA PISTOLA OCULTA), UNA PERSONA CON LICENCIA SEGUN EL SUBCAPITULO H, CAPITULO 411, CODIGO DEL GOBIERNO (LEY SOBRE LICENCIAS PARA PORTAR PISTOLAS), NO PUEDE INGRESAR A ESTA PROPIEDAD CON UNA PISTOLA OCULTA”.

"PURSUANT TO SECTION 30.07, PENAL CODE (TRESPASS BY LICENSE HOLDER WITH AN OPENLY CARRIED HANDGUN), A PERSON LICENSED UNDER SUBCHAPTER H, CHAPTER 411, GOVERNMENT CODE (HANDGUN LICENSING LAW), MAY NOT ENTER THIS PROPERTY WITH A HANDGUN THAT IS CARRIED OPENLY".

“DE ACUERDO CON LA SECCION 30.07 DEL CODIGO PENAL (INGRESO SIN AUTORIZACION DE UN TITULAR DE UNA LICENCIA CON UNA PISTOLA A LA VISTA), UNA PERSONA CON LICENCIA SEGUN EL SUBCAPITULO H, CAPITULO 411, CODIGO DEL GOBIERNO (LEY SOBRE LICENCIAS PARA PORTAR PISTOLAS), NO PUEDE INGRESAR A ESTA PROPIEDAD CON UNA PISTOLA A LA VISTA”.



Standardized Agenda Request Form

Date of Meeting: January 2, 2024		Agenda Item No. (to be assigned by CSO): 2023-7289	
From:			
Subject: Weslaco Economic Development Corporation.			
Background:			
Funding Source (budget code, if applicable):			
Amount:	Term of Impact:	Identified in Current Budget:	
Additional Action Prompted:			
If item previously considered, provide date and action by Commission:			
If item requires Publication Notice, provide date and periodical of publication; indicate if comments received from letters mailed to property owners:			
Advisory Review, if any (name of board/committee, date of action, recommendation):			
ADELAIDA VEGA Martin Garza		Created	
City Manager Comments: Report only.			
Staff Recommendation:			
Attachments, if any:			
Responsibilities upon Approval:			



Standardized Agenda Request Form

Date of Meeting: January 2, 2024		Agenda Item No. (to be assigned by CSO): 2023-7290	
From:			
Subject: Weslaco Chamber of Commerce & Visitor Center.			
Background:			
Funding Source (budget code, if applicable):			
Amount:	Term of Impact:	Identified in Current Budget:	
Additional Action Prompted:			
If item previously considered, provide date and action by Commission:			
If item requires Publication Notice, provide date and periodical of publication; indicate if comments received from letters mailed to property owners:			
Advisory Review, if any (name of board/committee, date of action, recommendation):			
ADELAIDA VEGA Martin Garza		Created	
City Manager Comments:			
Staff Recommendation:			
Attachments, if any:			
Responsibilities upon Approval:			



Standardized Agenda Request Form

Date of Meeting: January 2, 2024		Agenda Item No. (to be assigned by CSO): 2023-7006	
From:			
Subject: Approval of the Minutes of the Regular Meeting on December 5 and December 19, 2023. (Staffed by City Secretary's Department.) Attachment.			
Background: Record of commission action for the Regular Meetings on December 5 and 19, 2023.			
Funding Source (budget code, if applicable):			
Amount:	Term of Impact:	Identified in Current Budget:	
Additional Action Prompted: Mayor's Signature			
If item previously considered, provide date and action by Commission:			
If item requires Publication Notice, provide date and periodical of publication; indicate if comments received from letters mailed to property owners:			
Advisory Review, if any (name of board/committee, date of action, recommendation):			
NORMA CANTU ADELAIDA VEGA Martin Garza		Created	
City Manager Comments: Approve as recommended by staff subject to any comments from the governing body.			
Staff Recommendation: Approve.			
Attachments, if any: 231205 minutes draft, 231219 minutes draft			
Responsibilities upon Approval: Execute and retain.			



**MINUTES OF A REGULAR MEETING
WESLACO CITY COMMISSION
DECEMBER 5, 2023**

On Tuesday, December 5, 2023, at 5:30 p.m. the City Commission of the City of Weslaco, Texas convened in a Regular Meeting at City Hall in the Legislative Chamber, located at 255 South Kansas Avenue with the following member's present:

PRESENT:	Mayor	Adrian Gonzalez
	Mayor Pro Tem	Adrian Farias
	Commissioner	Josh Pedraza
	Commissioner	Letty Lopez
	Commissioner	Israel Gonzalez Jr.
	Commissioner	JP Rodriguez

ABSENT: None

STAFF PRESENT:	Martin Garza	City Manager
	Norma A. Cantu	City Secretary
	Juan E. Gonzalez	City Attorney

Also present: Aida Vega, Deputy City Secretary, Rosie Cavazos, Finance Director, Rebekah de la Fuente, Director of Planning and Code Enforcement, Arnold Becho, Library Director, Luz Galindo, HR Director, Antonio Lopez, Fire Chief, Joel Rivera, Police Chief, David Arce, Public Works Director, Rosa Badillo, Court Coordinator, and George Quilantan, Inframark and other staff members.

I. CALL TO ORDER

A. Certification of Public Notice.

Mayor Gonzalez called the meeting to order and certified the public notice of the meeting as properly posted Friday, December 1, 2023.

B. Invocation.

Pastor Manuel Portillo, The Way of the Redeemed Church led the invocation.

C. Pledge of Allegiance.

Mayor led the "Pledge of Allegiance and Texas Flag."

D. Roll Call.

Norma A. Cantu, City Secretary, called the roll noting perfect attendance and a quorum present.

E. Mayoral Recognition.

None.

II. PUBLIC COMMENTS

Laura Wheeler, 3105 E. Mile 11, voiced her concerns with motorist speeding in the school zones; has a daughter that attends Mario Ybarra Elementary and has had several incidents to include a WISD bus that was reported; asked what the commission could do and suggested speed humps to address her concern of the safety for her daughter, herself, and other parents for which she has become a voice for.

III. PUBLIC HEARING

Commissioner Pedraza seconded by Commissioner Lopez, moved to open the public hearing at 5:40 p.m. The motion carried unanimously; Mayor Gonzalez was present and voting.

A. To solicit input on behalf of Julio Seguy to rezone 3825 E IH 2 also being 1.89 acre- 4.89-acre N of Expwy-W25.07-acre FT 1100 Adams Tract Subdivision, Weslaco, Hidalgo County, Texas from R-1 One-Family Dwelling District to B-2 Secondary Highway Business District.

No comments.

B. To solicit input on behalf of S2 Engineering PLLC. to rezone 2806 S Texas Blvd. Also being 15.32 acres N20.0ac,13.84ac Net, out of Farm Tract 745, West Tract Subdivision, Hidalgo County, and Texas from R-1 One-family dwelling district to R-4 Residential one family / narrow lot zoning.

No comments.

C. To solicit input on behalf of Nancy Valdes to approve a Conditional Use Permit to operate an Event Center, at 916 W Pike, also being West Tract W88.40'-E377.6'-S452.70' FT 133 0.92AC GR 0.86AC Net, Weslaco, Hidalgo County, Texas.

No comments.

D. To solicit input on behalf of Javier Hernandez to rezone 105 N Kansas also being Lot 18 and 19, Block 1, Gonzales Addition Subdivision, Weslaco, Hidalgo County, Texas from R-1 One-Family Dwelling District to R-2 Duplex and Apartment District.

No comments.

Commissioner Kerr seconded by Commissioner Pedraza moved to close the public hearing at 5:41p.m. The motion carried unanimously; Mayor Gonzalez was present and voting.

IV. REPORTS

A. Engineering and Drainage Projects

1. Cleckler-Heald.

2. Los Torritos Kansas Street.
3. Harlon Block.
4. Bridge and 10th Street.
5. Border North of Sugarcane.
6. Flap gates.
7. Striping Improvements 18th and Airport and Westgate.
8. Traffic Signal Bridge.

Albert Aldana, City Engineer, went over a power point presentation and highlighted on the following; Cleckler-Heald (RDF project), notice to proceed issued to Rhyner Construction with schedule of events to follow; Los Torritos Kansas Street (drainage) bidding phase to be completed Feb 16, 2024, award May 31, 2024 and estimated project completed by December 2025, Harlon Block (drainage) contract awarded to Halff Associates, updating information for grant submission, staff reviewing scope of work and fee proposal for approval; Bridge and 10th Street (drainage) drawing design drawings 100% complete, will be done in-house in phases, ARPA funds will be used and estimated completion is January 2024; Border Road North of Sugar Cane (drainage) Cruz-Hogan Engineering is assisting staff; pending a drainage easement from WISD and advertising anticipated for January 2024; Flap Gates, this is Phase II that included 26 flap gates ordered, shipping is 01/22/24 and should be installed before the next storm season by Public Works; Striping Improvements 18th and Airport, project mostly completed, pending yellow hatching; Westgate, pending pavement overlay at intersection, estimated date for striping is December 18.; Traffic Signal Bridge, Bridge at 18th St. installed and placed on flash mode to alert motorists of the new signal for seven days and fully operational by December 8 and Bridge at 6th St, left turn signal heads replaced and new signal controller installed by the end of the week.

B. Parks Improvements update.

1. Mayor Pablo Pena Park.
2. Isaac Rodriguez.
3. Harlon Block.
4. Judge Gilbert Garza Park.
5. Villa Verda.
6. Service Center.
7. Municipal Swimming Pool.

Omar Rodriguez, Parks and Recreation Director, presented a power point presentation and highlighted the following: Mayor Pablo Pena Park went over the master plan of improvements that included tennis court rehab, new sports lighting, new restroom and concession, a fitness court and studio, and new hike and bike trail; Isaac Rodriguez, complete renovation of lighting, new restrooms and concession stand and new irrigation on multi-field; Judge Gilbert Garza Park, added parking lot, playground equipment and backstops ordered; Villa Verde Park improvements included driveway, parking, playground, sports fields and a hike & bike trail; Harlon Block Park reported an interlocal with Hidalgo County was approved for a proposed hike & bike trail from Weslaco to San Juan; Isaac Rodriguez Service Center past discussions on options for remodeling has taken place; noted items was electrical replacement needed to be updated, structurally sound, asbestos removed, occupancy is 200 that would be reduced as a result of building code compliance of improvements done; Municipal Swimming Pool, Sam Garcia Architect completed site and

operation and maintenance analysis, and programming; project estimated at \$2.8million that includes engineering and architectural, proposed location is the former Public Works property along E. Business 83 and right-of-way in place towards Second St, went over proposed site plan for parking, 25-yard 3-lane pool with a program pool.

V. CONSENT AGENDA

All items listed under the Consent Agenda are considered to be routine and the Governing Body has been furnished with background and support material on each item and will be acted by one motion. Any Commissioner may remove items from the consent agenda by making such request prior to a motion and voting on the Consent Agenda.

A. Approval of the Minutes of the Special Meeting on November 15, 2023. (Staffed by City Secretary's Department.)

B. Approval on second and final reading of the following:_____

1) Ordinance 2023-49 authorizing and allowing under the act governing the TMRS system "Updated Service Credit" and establishing an effective date for such action and authorize the Mayor to execute any related documents. First reading held November 28, 2023; staffed by Human Resources Department.)

Commissioner Pedraza seconded by Commissioner Lopez moved to approve as presented. The motion carried unanimously; Mayor Gonzalez was present and voting.

For the record following is the ordinance caption.

ORDINANCE 2023-49

AN ORDINANCE REGARDING THE CITY OF WESLACO'S TEXAS MUNICIPAL RETIREMENT SYSTEM BENEFITS ADOPTING: (1) UPDATED SERVICE CREDITS; AND (2) AN ANNUITY INCREASE, ALSO REFERRED TO AS COST-OF-LIVING ADJUSTMENT (COLA) FOR RETIREES AND THEIR BENEFICIARIES.

CITY OF WESLACO
/s/Adrian Gonzalez, MAYOR

ATTEST:
/s/Norma A. Cantu, CITY SECRETARY

APPROVED AS TO FORM:
/s/Juan E. Gonzalez, CITY ATTORNEY

VI. NEW BUSINESS

A. Discussion and consideration after public hearing on behalf of Javier Hernandez on Ordinance 2023-50 to rezone 105 N Kansas also being Lot 18 and 19, Block 1, Gonzales Addition Subdivision, Weslaco, Hidalgo County, Texas from R-1 One-Family Dwelling District to R-2 Duplex and Apartment District and authorize the Mayor to execute any related documents. First reading of Ordinance 2023-50. Possible action. (Staffed by Planning & Code Enforcement Department.)

Martin Garza, City Manager, requested to deviate to item A until after executive session. There was no objection.

B. Discussion and consideration after public hearing on behalf of Julio Seguy on Ordinance 2023-51 to rezone 3825 E IH 2 also being 1.89 acre- 4.89-acre N of Expwy-W25.07-acre FT 1100 Adams Tract Subdivision, Weslaco, Hidalgo County, Texas from R-1 One-Family Dwelling District to B-2 Secondary Highway Business District and authorize the Mayor to execute any related documents. First reading of Ordinance 2023-51. Possible action. (Staffed by Planning & Code Enforcement Department.)

Rebekah de la Fuente, Planning & Code Enforcement Director, stated nine property owners were notified with no objection received; property when annexed in 2014 was commercial and became a non-commercial use; owner constructed a new building, and the rezone will have the property in compliance. The Planning and Zoning Commission and staff recommended approval based on the surrounding land use of commercial and location is along IH-2.

Mayor Pro Tem Farias seconded by Commissioner Lopez moved to approve Ordinance 2023-51 to rezone 3825 E IH 2 as presented. The motion carried unanimously; Mayor Gonzalez was present and voting.

C. Discussion and consideration after public hearing on behalf of S2 Engineering PLLC. on Ordinance 2023-52 to rezone 2806 S Texas Blvd. Also being 15.32 acres N20.0ac,13.84ac Net, out of Farm Tract 745, West Tract Subdivision, Hidalgo County, and Texas from R-1 One-family dwelling district to R-4 Residential one family / narrow lot zoning and authorize the Mayor to execute any related documents. First reading of Ordinance 2023-52. Possible action. (Staffed by Planning & Code Enforcement Department.)

Rebekah de la Fuente stated thirteen property owners were notified with no objection received; proposed use is residential on a narrow lot (R-4). The Planning and Zoning Commission and staff recommended approval based on the surrounding land use and comprehensive plan.

Commissioner Rodriguez seconded by Commissioner Lopez moved to approve Ordinance 2023-52 to rezone 2806 S Texas Blvd. as presented. The motion carried unanimously; Mayor Gonzalez was present and voting.

D. Discussion and consideration after public hearing on behalf of Nancy Valdes to approve a Conditional Use Permit to operate an Event Center, at 916 W Pike, also being West Tract W88.40'-E377.6'-S452.70' FT 133 0.92AC GR 0.86AC Net, Weslaco, Hidalgo County, Texas and authorize the Mayor to execute any related documents. Possible action. (Staffed by Planning & Code Enforcement Department.)

Rebekah de la Fuente stated nineteen property owners were notified with no objection received; applicant has not submitted any plans until the conditional use permit was approved that would allow the operation of an event center. The Planning and Zoning Commission and staff recommended approval.

Commissioner Kerr seconded by Mayor Pro Tem Farias moved to approve a Conditional Use Permit to operate an Event Center, at 916 W Pike as presented. The motion carried unanimously; Mayor Gonzalez was present and voting.

E. Discussion and consideration on presentation of the unaudited financials for the General Fund, Water/Wastewater and Solid Waste funds for period ending September 30, 2023 and authorize the Mayor to execute any related documents. Possible action. (Staffed by Finance Department.)

Rosie Cavazos, Finance Director, presented the financials as follows; General Fund positive change in fund balance of \$1,380,402, revenues collected were at \$34.4M, expenditures were \$32.5M with an operating surplus of \$1.9M, sales tax collected was \$14.6M, interest earned \$650,000 and ambulance fees collected was \$1.3M; number of days remained strong at 117; Water & Wastewater Fund had a positive change in fund balance of \$942,965 and had 95 days of working capital; Sanitation Fund had a positive change of \$1,326,767 with 14 days of working capital; Airport Fund ended the year with a -29,843 change in net position. Staff recommended approval to accept and file the financials as presented and advised pending review from external auditors.

Commissioner Kerr seconded by Commissioner Lopez moved to accept and file the unaudited financials for the General Fund, Water/Wastewater and Solid Waste funds for period ending September 30, 2023 as presented. The motion carried unanimously; Mayor Gonzalez was present and voting.

F. Discussion and consideration to accept and file the Quarterly Investment Report for the period ending September 30, 2023 and authorize the Mayor to execute any related documents. Possible action. (Staffed by Finance Department.)

Rosie Cavazos presented the Quarterly Investment Report as follows: an increase in the interest received for this quarter was 15% for a total interest earned to date is \$2,240,004 that is 649% increase compared to FY2022 and noted the General Fund recognized \$642,166 and remaining funds went to other capital projects. Staff recommended approval to accept and file.

Commissioner Lopez seconded by Mayor Pro Tem Farias moved to accept and file the Quarterly Investment Report for the period ending September 30, 2023 as presented. The motion carried unanimously; Mayor Gonzalez was present and voting.

G. Discussion and consideration to approve the purchase of 1,375 water meters from the sole source vendor, Core & Main in an amount not to exceed \$588,751 and authorize the Mayor to execute any related documents. Possible action. (Staffed by Finance Department.)

Rosie Cavazos stated in the expectation of the growth of new development staff recommended approval to order 1,375 new meters to replenish inventory as wait time is 6 months for delivery from the vendor.

Commissioner Lopez seconded by Commissioner Pedraza moved to approve the purchase of 1,375 water meters from the sole source vendor, Core & Main in an amount not to exceed \$588,751 as presented. The motion carried unanimously; Mayor Gonzalez was present and voting.

H. Discussion and consideration to approve the purchase of TCC-P25P-P25 Portable Radios from Tri-County Communications through Buyboard Contract #698-23 in the amount not to exceed \$29,114.00 and authorize the Mayor to execute any related documents. Possible action. (Staffed by Airport Department.)

Mayor Pro Tem Farias abstained from discussion and vote.

Andrew Munoz, Airport Director/Asst. City Manager, stated based on the continued growth and an audit of airport operations, staff is moving forward with FAA Part 139 certification; requires the creation of Airport Emergency Plan and working with Fire, Police Hazmat teams and Hazard Mitigation team a deficiency of radio communication between the airport and first responders was found. Staff recommended approval on the purchase of 6 radios and 1 base radio for compliance of the Airport Emergency Plan that will integrate with the city's Hazardous Mitigation Plan and monies are budgeted.

Commissioner Lopez seconded by Commissioner Rodriguez moved to approve the purchase of TCC-P25P-P25 Portable Radios from Tri-County Communications through Buyboard Contract #698-23 in the amount not to exceed \$29,114.00 as presented. The motion carried; Mayor Pro Tem Farias abstained; Mayor Gonzalez was present and voting.

I. Discussion and consideration to authorize staff to submit an application for Flood Mitigation Assistance (FMA) grant with the Texas Water Development Board for the Harlon Block Regional Detention Facility (RDF) project and authorize the Mayor to execute any related documents. Possible action. (Staffed by Asst. City Manager.)

Andrew Munoz, stated staff along with Halff Associates, are working on the Harlon Block RDF project; requested authorization to submit a grant application to the Texas Water Development Board for Flood Mitigation Assistance grant due January 8; the ratio of low interest loan and grant amount will be determined by the H&H Study and Benefits Cost Analysis and the grant request for the project is \$8.5 million. Staff recommended approval.

Commissioner Pedraza seconded by Commissioner Lopez moved to approve staff to submit an application for Flood Mitigation Assistance (FMA) grant with the Texas Water Development Board for the Harlon Block Regional Detention Facility (RDF) project as presented. The motion carried unanimously; Mayor Gonzalez was present and voting.

J. Discussion and consideration to purchase fifteen (15) bunker gear sets to replace end of life equipment at a cost of \$59,850.00 from vendor Metro Fire Apparatus Specialist under BuyBoard Contract #698-23 and authorize the Mayor to execute any related documents. Possible action. (Staffed by Fire Department.)

Mayor Pro Tem Farias abstained from discussion and vote.

Antonio Lopez, Fire Chief, recommended approval of the purchase of 15 bunker gear that consist of pants, coat and boots and monies budgeted.

Commissioner Kerr seconded by Commissioner Lopez moved to approve purchase fifteen (15) bunker gear sets to replace end of life equipment at a cost of \$59,850.00 from vendor Metro Fire Apparatus Specialist under BuyBoard Contract #698-23 e the as presented. The motion carried; Mayor Pro Tem Farias abstained; Mayor Gonzalez was present and voting.

K. Discussion and consideration to solicit Request for Bids for Annual Grounds Maintenance for various city properties and authorize the Mayor to execute any related documents. Possible action. (Staffed by Parks & Recreation Department.)

Omar Rodriguez, Parks & Recreation Director, stated the request for bids was for the annual grounds' maintenance of city hall and various surrounding city owned buildings that included library, two fire stations and new police and fire stations. Staff recommended approval.

In response to Mayor Gonzalez, staff stated under the recommendation from legal because there has been a change in the original scope of the buildings and grounds for maintenance, bids should be requested.

Commissioner Lopez seconded by Commissioner Pedraza moved to approve to solicit Request for Bids for Annual Grounds Maintenance for various city properties as presented. The motion carried unanimously; Mayor Gonzalez was present and voting.

L. Discussion and consideration to award Manhole Rehabilitation Phase IX to Southern Trenchless Solutions, Buyboard vendor contract no. 635-21, in the amount not to exceed \$249,384 and authorize the Mayor to execute any related documents. Possible action. (Staffed by Public Works Department.)

Mayor Pro Tem Farias abstained from discussion and vote.

David Arce, Public Works Director, stated annually manholes that need rehabilitation are ranked by location and condition; monies are budgeted, and staff recommended to award Buyboard vendor Southern Trenchless Solutions for rehabilitation of thirty-five manholes.

In response to Mayor Gonzalez, staff stated they are local buyboard vendor, city has used in the past and no issues with their work or change orders; bids have been solicited but cost for the work has been higher because cost of mobilization for the vendor who may be out of the area.

Commissioner Lopez seconded by Commissioner Kerr moved to approve and award Manhole Rehabilitation Phase IX to Southern Trenchless Solutions, Buyboard vendor contract no. 635-21, in the amount not to exceed \$249,384 as presented. The motion carried; Mayor Pro Tem Farias abstained; Mayor Gonzalez was present and voting.

M. Discussion and consideration to award sewer line pipe bursting to Southern Trenchless Solutions, Buyboard vendor contract no. 635-21, in the amount not to exceed \$89,250 and authorize the Mayor to execute any related documents. Possible action. (Staffed by Public Works Department.)

David Arce recommended the replacement of sewer lines in the downtown area because of aging infrastructure; replacement work included 360 linear feet between 3rd and 4th St on the east side;

vendor provided their payment and performance bond in the quote. Staff recommended approval to award Southern Trenchless Solutions and stated improvements is within budget for this fiscal year.

Commissioner Rodriguez seconded by Commissioner Kerr moved to approve and award sewer line pipe bursting to Southern Trenchless Solutions, Buyboard vendor contract no. 635-21, in the amount not to exceed \$89,250 as presented. The motion carried; Mayor Pro Tem Farias abstained; Mayor Gonzalez was present and voting.

N. Discussion and consideration to authorize staff to send non-renewal notice to AlSCO Linen and Uniform Rental Services and authorize the Mayor to execute any related documents. Possible action. (Staffed by Public Works Department.)

David Arce requested approval for staff to send a 90-day non-renewal notice to the current uniform vendor; contract is set to expire April 1, 2024 and staff would bring back to the commission to request solicitation for bids.

Commissioner Lopez seconded by Mayor Pro Tem Farias moved to approve staff to send non-renewal notice to AlSCO Linen and Uniform Rental Services as presented. The motion carried unanimously; Mayor Gonzalez was present and voting.

O. Discussion and consideration of an application to TxDOT HSIP Funding Program for a project to upgrade the vehicular detection system and traffic controllers on six existing signalized intersections on Westgate Dr between US Business 83 and IH-2 Eastbound Frontage Rd at a cost of \$290,000.00 and authorize the Mayor to execute any related documents. Possible action. (Staffed by the Engineering Department.)

Albert Aldana, City Engineer, stated TxDOT had a program that awards funding for highway safety improvements; staff identified one eligible project that would replace the traffic signal detection system and controller cabinets for six signalized intersections on Westgate Drive between US Business 83 and IH-2 Eastbound Frontage Rd; estimated cost is \$290,000.00 and required a local match of 10% of the construction costs but if selected for funding the local match could be reduced to about 3% due to the economic disadvantaged counties program.

Commissioner Lopez seconded by Commissioner Pedraza moved to approve an application to TxDOT HSIP Funding Program for a project to upgrade the vehicular detection system and traffic controllers on six existing signalized intersections on Westgate Dr between US Business 83 and IH-2 Eastbound Frontage Rd at a cost of \$290,000.00 as presented. The motion carried unanimously; Mayor Gonzalez was present and voting.

P. Discussion and consideration to award the Request for Qualification No. 2023-24-02 for Engineering Services for Expansion of South Wastewater Treatment Plant and authorize the Mayor to execute any related documents. Possible action. (Staffed by Engineering Department.)

Albert Aldana stated Cruz-Hogan Engineering and Halff Associates responded to the request for qualifications for improvements to the South Wastewater Treatment Plant; responses were

reviewed and ranked by the subcommittee; the highest ranked firm was Cruz-Hogan Engineering. Staff recommended to award Cruz-Hogan Engineering.

Mayor Pro Tem Farias seconded by Commissioner Lopez moved to approve the Request for Qualification No. 2023-24-02 for Engineering Services for Expansion of South Wastewater Treatment Plant to Cruz-Hogan Engineering as presented. The motion carried unanimously; Mayor Gonzalez was present and voting.

Q. Discussion and consideration to approve Change Order No. 1 in the amount of \$13,000 to Sweats Mechtech Solutions, LLC for the additional electrical components required for the connection of the Howden Aeration Blower at the North Wastewater Treatment Plant approved as an emergency installation and authorize the Mayor to execute any related documents. Possible action. (Staffed by Engineering Department.)

Albert Aldana stated the proposed Change Order #1 was for new conduits that go to the control panel because the existing ones go to a different location within the control panel room; change order will cover additional conduits, electrical and signal conductors. Staff recommended approval.

Commissioner Lopez seconded by Commissioner Rodriguez moved to approve Change Order #1 in the amount of \$13,000 to Sweats Mechtech Solutions, LLC for the additional electrical components required for the connection of the Howden Aeration Blower at the North Wastewater Treatment Plant as presented. The motion carried unanimously; Mayor Gonzalez was present and voting.

R. Discussion and consideration on placing a moratorium on the development of duplexes, tri-plexes, four-plexes and apartment complex subdivisions and authorize the Mayor to execute any related documents. Possible action. (Requested by Mayor Gonzalez and Commissioner Pedraza.)

Commissioner Kerr seconded by Commissioner Pedraza moved to approve.

Andrew Munoz presented a handout on the justification for a moratorium as defined by the Texas Local Government Code; highlighted a moratorium can be issued based on 1) the need to prevent a shortage of essential public facilities (water, sewer, storage drainage facilities, street improvements) or 2) if not based on a shortage of essential public facilities demonstrate a significant need for other public facilities, to include police and fire facilities and the city must issue written findings from available information used to issue the moratorium; staff reviewed the conditions, capacity and impact on the treatment plants, lift stations, manholes, streets, public safety resources, drainage/stormwater and water rights allocations; stated a consultant would be requested to evaluate water plants, wastewater and distribution systems; stated various documents looked at such as the Land Use Map 2045, Comprehensive Plan 2022, Subdivision and Zoning Ordinance that were last revised in 2013 and 2018 and stated legislation that has since passed need to be included in these ordinances that allow fees a municipality can have, city limit and ETJ as well as the CCN (Certificate of Convenience and Necessity were looked at; went over a map of areas considered critical if failure of the water distribution system occurred (water/sewer); went

over the impact of development for public safety response (fire and police); identified those lift stations considered critical if power failure occurs and went over those in need of immediate repair; water rights allocation currently no protection under ordinance to transfer irrigation water rights to the city and advised city has exceeded the allocated water needing to purchase additional water rights.

Commissioner Kerr questioned if the written findings have been done. Juan E. Gonzalez, City Attorney, stated staff would be preparing once public hearings were held. Mayor Pro Tem voiced concern on those developments already in process. City Attorney stated if application has been received and in process would be considered exempt.

Juan E. Gonzalez recommended a consultation in executive session to describe the legal requirements and process of a moratorium.

Commissioner Kerr seconded by Commissioner Pedraza moved to approve a moratorium on the development of duplexes, tri-plexes, four-plexes and apartment complex subdivisions as presented. The motion carried (5ayes-2nays); Commissioner Kerr and Lopez against; Mayor Gonzalez was present and voting.

VII. EXECUTIVE SESSION

At 7:25 p.m. Rodriguez seconded by Commissioner Pedraza moved to convene the regular meeting in Executive Session. The motion carried unanimously; Mayor Suarez was present and voting.

At 7:51 p.m. Mayor Gonzalez stated the City Commission had completed its Executive Session and reconvened the regular meeting as open to the public.

VIII. POSSIBLE ACTION ON WHAT IS DISCUSSED IN EXECUTIVE SESSION

NEW BUSINESS

R. Discussion and consideration on placing a moratorium on the development of duplexes, tri-plexes, four-plexes and apartment complex subdivisions and authorize the Mayor to execute any related documents. Possible action. (Requested by Mayor Gonzalez and Commissioner Pedraza.)

Commissioner Pedraza seconded by Commissioner Gonzalez Jr. moved to authorize staff to provide notice and hold public hearings on placing a moratorium on the development of duplexes, tri-plexes, four-plexes and apartment complex subdivisions.

Commissioner Kerr voiced concern in stopping development and questioned the need of the moratorium now. Martin Garza stated the review from staff regarding infrastructure, services, and the need of updating ordinances related to impact fees was the need for a moratorium and this allows the necessary time for assessment and ensure the growth of city services will be sustainable.

A lengthy discussion on the existing facilities, aging infrastructure, impact fees, capacity of the water/sewer plants, growth and why staff brought for consideration of a moratorium and apartments can have a higher impact on services versus, residential and commercial. Staffs position was time was needed to “catch-up” on policy and practices for development as well

updating those necessary documents that regulate the development and noted exemptions and waivers would be in place for developments already in progress.

Commissioner Pedraza voiced his favor to allow time to assess the existing facilities, update necessary documents related to development for all districts to be able to adequately provide the services to the citizens.

Mayor Gonzalez called the question. The motion carried (5-2); Commissioner Kerr and Lopez against; Mayor Gonzalez was present and voting.

A. Discussion and consideration after public hearing on behalf of Javier Hernandez on Ordinance 2023-50 to rezone 105 N Kansas also being Lot 18 and 19, Block 1, Gonzales Addition Subdivision, Weslaco, Hidalgo County, Texas from R-1 One-Family Dwelling District to R-2 Duplex and Apartment District and authorize the Mayor to execute any related documents. First reading of Ordinance 2023-50. Possible action. (Staffed by Planning & Code Enforcement Department.)

Rebekah de la Fuente stated thirty-nine property owners were notified with no objection received. The Planning and Zoning Commission and staff recommended approval.

Commissioner Kerr seconded by Commissioner Gonzalez Jr., moved to approve Ordinance 2023-50 to rezone 105 N Kansas. The motion carried unanimously; Mayor Gonzalez was present and voting.

A. Personnel - Discussion regarding the goals, objectives, and evaluation of the City Manager for the City of Weslaco as authorized by Section §551.074 of the Texas Government Code.

No action.

B. Personnel - Discussion regarding the administrative investigation of the complaint filed by a firefighter as authorized by section §551.074 of the Texas Government Code.

No action.

C. Real Property - Consultation with the City Attorney regarding the purchase, exchange, lease or value of real property legally described as Lots 18, 19, 20, 21 & 22, Block 42, Weslaco Original Townsite, Subdivision, Weslaco, Hidalgo County, Texas as authorized by Section §551.072 of the Texas Government Code.

No action.

IX. ADJOURNMENT

Commissioner Kerr seconded by Commissioner Rodriguez moved to adjourn the regular meeting of December 5, 2023, at 8:15 p.m. The motion carried unanimously; Mayor Gonzalez was present and voting.

CITY OF WESLACO

Adrian Gonzalez, **MAYOR**

ATTEST:

Norma A. Cantu, **CITY SECRETARY**



**MINUTES OF A REGULAR MEETING
WESLACO CITY COMMISSION
DECEMBER 19, 2023**

On Tuesday, December 19, 2023, at 5:30 p.m. the City Commission of the City of Weslaco, Texas convened in a Regular Meeting at City Hall in the Legislative Chamber, located at 255 South Kansas Avenue with the following member's present:

PRESENT:	Mayor	Adrian Gonzalez
	Mayor Pro Tem	Adrian Farias
	Commissioner	Josh Pedraza
	Commissioner	Letty Lopez
	Commissioner	Israel Gonzalez Jr.
	Commissioner	JP Rodriguez

ABSENT: None

STAFF PRESENT:	Martin Garza	City Manager
	Norma A. Cantu	City Secretary
	Juan E. Gonzalez	City Attorney

Also present: Aida Vega, Deputy City Secretary, Sonia Flores, Assistant Finance Director, Rebekah de la Fuente, Director of Planning and Code Enforcement, Arnold Becho, Library Director, Luz Galindo, HR Director, Antonio Lopez, Fire Chief, Joel Rivera, Police Chief, David Arce, Public Works Director, Rosa Badillo, Court Coordinator, and George Quilantan, Inframark and other staff members.

I. CALL TO ORDER

A. Certification of Public Notice.

Mayor Gonzalez called the meeting to order and certified the public notice of the meeting as properly posted Friday, December 15, 2023.

B. Invocation.

Pastor Elias Garza, Jr. Calvary Christian Center Church led the invocation.

C. Pledge of Allegiance.

Mayor led the "Pledge of Allegiance and Texas Flag."

Mayor Gonzalez asked for a moment of silence for Ms. Patsy Pemelton who served as a Weslaco Police Officer for twenty-five years.

D. Roll Call.

Norma A. Cantu, City Secretary, called the roll noting perfect attendance and a quorum present.

E. Mayoral Recognition.

1) Recognition of Basilio Mendoza

Mayor Gonzalez along with the City Commission recognized Basilio Mendoza in his efforts and accomplishments in organizing the first South Texas International Marathon that had over 700 participants.

II. PUBLIC COMMENTS

None.

III. REPORTS

A. Inframark.

George Quilantan, Inframark, presented the water flow comparison for the month of November 2023 Water Treatment Plant was 5.76mgd; North Wastewater Treatment Plant was 2.2mgd and South Wastewater Treatment Plant was 1.5mgd; blower installed at the North WWTP without any issues; preventative maintenance work orders for all facilities to include lift stations was 408 opened and closed 409; lift station pump de-ragging continues and float cleaning continues for various lift stations; presented the lift station call out log for July that are done staff respond to after 5pm. Presented a rebate check for the Maintenance, Chemical and Sludge Cap in the amount of \$6,482.38.

B. Animal Care Services.

Milva Orellana, Animal Control Officer, went over the monthly live release rates for October and November that increased to 81% noting for cats live release was 100%; transported to Austin Pets Alive (APA) 10 kittens and 1 adult cat and in appreciation APA donated 19 carriers; participated in the Weslaco Christmas Parade , Career Day at North Bridge and Ybarra Elementary; thanked the Animal Control staff Officer Silva and Officer Aguilera for assisting in the South Texas International Marathon by keeping runners safe; thanked the Weslaco Police Department on the donation of a cargo van that will help transporting out to rescue events to Austin, San Antonio and Corpus Christi; reported on upcoming events for adoption and rabies clinic happening in December Peter Piper Fundraiser, January events included Alfresco and PetSmart adoption events.

IV. PUBLIC HEARING

Commissioner Pedraza seconded by Commissioner Lopez, moved to open the public hearing at 5:40 p.m. The motion carried unanimously; Mayor Gonzalez was present and voting.

A. To solicit input on behalf of Tim Llaoa to approve a Conditional Use Permit to obtain a Wine and Malt Beverage Retailer's On-Premise Permit and Food and Beverage Certificate at 2455 N International Blvd. also being Lot 1, J. Valderas Subdivision, Weslaco, Hidalgo County, Texas, Weslaco, Hidalgo County, Texas.

No comments.

Commissioner Kerr seconded by Commissioner Pedraza moved to close the public hearing at 5:41p.m. The motion carried unanimously; Mayor Gonzalez was present and voting.

V. CONSENT AGENDA

All items listed under the Consent Agenda are considered to be routine and the Governing Body has been furnished with background and support material on each item and will be acted by one motion. Any Commissioner may remove items from the consent agenda by making such request prior to a motion and voting on the Consent Agenda.

A. Approval of the Minutes of the Special Meeting on November 28, 2023. (Staffed by City Secretary Department.)

B. Approval on second and final reading of the following:

1) Ordinance 2023-50 to rezone 105 N Kansas also being Lot 18 and 19, Block 1, Gonzales Addition Subdivision, Weslaco, Hidalgo County, Texas from R-1 One-Family Dwelling District to R-2 Duplex and Apartment District and authorize the Mayor to execute any related documents. (First reading held December 5, 2023; staffed by Planning & Code Enforcement Department.)

2) Ordinance 2023-51 to rezone 3825 E IH 2 also being 1.89 acre- 4.89-acre N of Expwy-W25.07 acre FT 1100 Adams Tract Subdivision, Weslaco, Hidalgo County, Texas from R-1 One-Family Dwelling District to B-2 Secondary Highway Business District and authorize the Mayor to execute any related documents. (First reading held December 5, 2023; staffed by Planning & Code Enforcement Department.)

3) Ordinance 2023-52 to rezone 2806 S Texas Blvd. Also being 15.32 acres N20.0ac,13.84ac Net, out of Farm Tract 745, West Tract Subdivision, Hidalgo County, and Texas from R-1 One-family dwelling district to R-4 Residential one family / narrow lot zoning and authorize the Mayor to execute any related documents. (First reading held December 5, 2023; staffed by Planning & Code Enforcement Department.)

C. Approval of six-month extension for the Conditional Use Permit to obtain On Premise Mixed Beverage Restaurant Permit, and Late Hours Permit to Host Live Music at 509 S. Texas Blvd., also being Lot 39 & 40, Weslaco Original Townsite Subdivision, and authorize the Mayor to execute any related documents. (Staffed by Planning & Code Enforcement Department.)

D. Approval of six-month extension for the Final Plat for Mi Fortuna Estates being a 4.52-acre out of farm tract 790, West Tract Subdivision, Weslaco, Hidalgo County, Texas Located on the Southwest corner of Mile 5 North & Westgate Drive and authorize the Mayor to execute any related documents. (Staffed by Planning & Code Enforcement Department.)

E. Approval of six-month extension for the Final Plat for The District North Weslaco Ph. II Subdivision– being 39.988 acres out of Farm Tract 179, BLK 160, West Tract Subdivision, Weslaco, Hidalgo County, Texas located approximately on the southeast corner of Mile 5 ½ W & Mile 11 N. Rd. and authorize the Mayor to execute any related documents. (Staffed by Planning & Code Enforcement Department.)

F. Approval to ratify acceptance of FY2024 Project Safe Neighborhoods Grant Program #4271603 for the amount of \$51,600 with NO MATCH or recurring costs to pay for overtime to create safer neighborhoods through a sustained reduction of violent crime and authorize the Mayor to execute any related documents. (Staffed by Police Department.)

G. Approval to solicit uniform rental bids for parks, building maintenance, and public works staff and authorize the Mayor to execute any related documents. (Staffed by Public Works Department.)

H. Approval to solicit bids for the purchase of a belly dump trailer and authorize the Mayor to execute any related documents. (Staffed by Public Works Department.)

I. Approval to solicit bids for the purchase of a used day cab truck and authorize the Mayor to execute any related documents. (Staffed by Public Works Department.)

J. Approval of Ordinance 2023-53 amending Ordinance 2023-49 authorizing and allowing under the act governing the TMRS system for updated service credit, transfer updated service credits and annuity increase (COLA) for retirees and their beneficiaries, establishing an effective date for such action and authorize the Mayor to execute any related documents. First and final reading on Ordinance 2023-53. (Staffed by Human Resources Department.)

Commissioner Pedraza seconded by Commissioner Lopez moved to approve as presented. The motion carried unanimously; Mayor Gonzalez was present and voting.

Following for the record are the caption of Ordinance(s):

ORDINANCE NO. 2023-50

AN ORDINANCE AMENDING ZONING ORDINANCE NO. 2018-02 AND AMENDING THE ZONING MAP OF THE CITY OF WESLACO TO CHANGE THE ZONING OF REZONE 105 N KANSAS ALSO BEING LOT 18 AND 19, BLOCK 1, GONZALES ADDITION SUBDIVISION, WESLACO HIDALGO COUNTY, R-1 ONE FAMILY DWELLING DISTRICT TO R-2 DUPLEX AND APARTMENT DISTRICT BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF WESLACO, TEXAS:

ORDINANCE NO. 2023-51

AN ORDINANCE AMENDING ZONING ORDINANCE NO. 2018-02 AND AMENDING THE ZONING MAP OF THE CITY OF WESLACO TO CHANGE THE ZONING OF REZONE 3825 E IH 2 ALSO BEING 1.89 ACRE-4.89 ACRE N OF EXPWY-W25.07 ACRE FT 1100 ADAMS TRACT SUBDIVISION, WESLACO HIDALGO COUNTY, R-1 ONE FAMILY DWELLING DISTRICT TO B-2 SECONDARY HIGHWAY BUSINESS DISTRICT BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF WESLACO, TEXAS:

ORDINANCE NO. 2023-52

AN ORDINANCE AMENDING ZONING ORDINANCE NO. 2018-02 AND AMENDING THE ZONING MAP OF THE CITY OF WESLACO TO CHANGE THE ZONING OF REZONE 2806 S TEXAS BLVD. ALSO BEING 15.32 ACRES N20.0AC,13.84AC NET, OUT OF FARM TRACT 745, WEST TRACT SUBDIVISION, WESLACO HIDALGO COUNTY, R-1 ONE FAMILY DWELLING DISTRICT TO R-4 RESIDENTIAL ONE FAMILY / NARROW LOT ZONING DISTRICT BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF WESLACO, TEXAS:

ORDINANCE NO. 2023-53

AN ORDINANCE REGARDING THE CITY OF WESLACO'S TEXAS MUNICIPAL RETIREMENT SYSTEM BENEFITS ADOPTING: (1) UPDATED SERVICE CREDITS AND TRANSFER UPDATED SERVICE CREDITS; AND (2) AN ANNUITY INCREASE, ALSO REFERRED TO AS COST-OF-LIVING ADJUSTMENT (COLA) FOR RETIREES AND THEIR BENEFICIARIES.

CITY OF WESLACO
/s/Adrian Gonzalez, MAYOR

ATTEST:
/s/Norma A. Cantu, CITY SECRETARY

APPROVED AS TO FORM:
/s/Juan E. Gonzalez, CITY ATTORNEY

VI. NEW BUSINESS

A. Discussion and consideration to approve the Final Plat for E. M. C. Subdivision being 1.73 acre out of Farm Tracts 771, West Tract Subdivision, Weslaco, Hidalgo County, Texas. Located approximately 850' west of Pleasantview along south side of E. 18th Street and authorize the Mayor to execute any related documents. Possible action. (Staffed by Planning & Code Enforcement Department.)

Rebekah de la Fuente, Director of Planning and Code Enforcement, stated this was a proposed three (3) lot subdivision inside city limits; serviced with water from the city and sewer by on-site sewage facilities (OSSF); applicant requested a variance to allow OSSF as the nearest sanitary sewer line is 1,300-feet and a variance for the sidewalks as this is a rural area. The Planning and Zoning Commission recommended approval with variances; staff recommended approval with compliance with the ordinances.

Commissioner Pedraza seconded by Mayor Pro Tem Farias moved to approve the Final Plat for E. M. C. Subdivision with variances as presented. The motion carried unanimously; Mayor Gonzalez was present and voting.

B. Discussion and consideration to approve the Final Plat for Milanos Estates Phase III Subdivision being 22.88 acre out of Farm Tracts 720 and 721, West Tract Subdivision, Weslaco, Hidalgo County, Texas. Located approximately 500 feet south from the intersection of Mile 5 ½ West Road and Mile 6 ½ West Road and authorize the Mayor to execute any related documents. Possible action. (Staffed by Planning & Code Enforcement Department.)

Rebekah de la Fuente stated this was a proposed one-hundred two (102) lot subdivision outside city limits; serviced with water and sewer from the city and sewer; applicant requested a variance to allow for off-site drainage and provided letters of support from the irrigation and drainage district and a variance for setbacks to reduce the front setback to 20-feet and the rear to 10-feet. The Planning and Zoning Commission recommended approval with variances; staff recommended approval with compliance with the ordinances.

Commissioner Lopez seconded by Commissioner Kerr moved to approve the Final Plat for Milanos Estates Phase III Subdivision with variances as presented. The motion carried unanimously; Mayor Gonzalez was present and voting.

C. Discussion and consideration after public hearing on behalf of Tim Llaoa to obtain a Wine and Malt Beverage Retailer's On-Premise Permit and Food and Beverage Certificate at 2455 N International Blvd. also being Lot 1, J. Valderas Subdivision, Weslaco, Hidalgo County, Texas and authorize the Mayor to execute any related documents. Possible action. (Staffed by Planning & Code Enforcement Department.)

Rebakah de la Fuente stated six property owners were notified of the request and no objection received; applicant will have a wine based ready to drink for on premise consumption at an existing convenient store. The Planning and Zoning Commission and staff recommended approval.

Commissioner Kerr seconded by Commissioner Rodriguez moved to approve a Wine and Malt Beverage Retailer's On-Premise Permit and Food and Beverage Certificate at 2455 N International Blvd. as presented. The motion carried unanimously; Mayor Gonzalez was present and voting.

D. Discussion and consideration to approve a request from Hidalgo County Drainage District #1 for a letter of support for the Southwest Weslaco Regional Detention Facility Project and authorize the Mayor to execute any related documents. Possible action. (Staffed by City Manager.)

Martin Garza, City Manager, stated a request received from Hidalgo County Drainage District #1 was for a letter of support for their application for funds from FEMA'S BRIC 2023 funding cycle to construct an RDF South of 18th Street on Border on property located within the city's ETJ. The construction of this RDF will benefit the city and surrounding area by mitigating flooding events such as those that occurred in 2018 and 2019. Staff recommended approval.

Commissioner Lopez seconded by Commissioner Gonzalez moved to approve a letter of support for the Southwest Weslaco Regional Detention Facility Project as presented and requested from Hidalgo County Drainage District #1. The motion carried unanimously; Mayor Gonzalez was present and voting.

E. Discussion and consideration to ratify the purchase order of an item approved April 18, 2023, a Vac Truck from Kinloch Equipment and Supply Inc, to Doggett Freightliner of South Texas, LLC and authorize the Mayor to execute any related documents. Possible action. (Staffed by Public Works Department.)

David Arce, Public Works Director, stated on April 18, 2023, a vac truck was approved for the collections department from Kinloch Equipment and Supply, Inc.; explained the purchase of the truck must be from Doggett Freightliner of South Texas, LLC as only a franchise motor vehicle dealer may title, register, and plate new motor vehicles within the state of Texas. Staff recommended approval to ratify a purchase order issued to Doggett Freightliner of South Texas, LLC for the purchase of the vac truck with an estimated delivery of February 2024.

Commissioner Lopez seconded by Commissioner Pedraza moved to ratify the purchase order to Doggett Freightliner of South Texas, LLC for the purchase of a vac truck as presented. The motion carried unanimously; Mayor Gonzalez was present and voting.

F. Discussion and consideration to ratify a purchase order for Southern Trenchless Solutions for emergency repairs on a collapsed manhole located near 607 Chrysolite Dr at Cornerstone Subdivision for the amount of \$56,575 and authorize the Mayor to execute any related documents. Possible action. (Staffed by Public Works Department.)

David Arce recommended approval to ratify the emergency repair of a manhole located at Cornerstone Meadows Subdivision; the collapsed manhole was on the back side of the subdivision as it flows to LS14; three quotes were obtained, and the lowest bidder was Southern Trenchless in the amount of \$56,575.

Mayor Pro Tem Farias seconded by Commissioner Gonzalez Jr. moved to ratify the purchase order for Southern Trenchless Solutions for emergency repairs on a collapsed manhole located near 607 Chrysolite Dr at Cornerstone Subdivision for \$56,575 as presented. The motion carried unanimously; Mayor Gonzalez was present and voting.

G. Discussion and consideration regarding Lonestar National Bank Depository Contract for an update to the Termination Clause and authorize the Mayor to execute any related documents. Possible action. (Staffed by Finance Department.)

Sonia Flores, Assistant Finance Director, stated Lone Star National Bank legal department requested an update in the agreement section regarding termination by either party be 60-days' notice. Staff recommended approval noting City Attorney reviewed and had no objection to the requested change.

Mayor Pro Tem Farias seconded by Commissioner Rodriguez moved to approve the update to the Termination Clause regarding Lonestar National Bank Depository Contract as presented. The motion carried unanimously; Mayor Gonzalez was present and voting.

H. Discussion and consideration to accept financing acquisition proposal from First American Equipment Finance for the acquisition of a Front Wheel Loader and Asphalt Zipper in the amount of \$506,218 and authorize the Mayor to execute any related documents. Possible action. (Staffed by Finance Department.)

Sonia Flores stated previous commission action authorized staff to solicit financing for the purchase of a Front Wheel Loader and Asphalt Zipper for the Public Works Department; four proposals were received and evaluated. Staff recommended to accept First American Equipment Finance with the lowest interest rate of 4.918% for 5-years with annual payments of \$116,658.69 and stated monies are budgeted.

Commissioner Kerr seconded by Commissioner Lopez moved to approve to accept financing acquisition proposal from First American Equipment Finance for the acquisition of a Front Wheel Loader and Asphalt Zipper in the amount of \$506,218 as presented. The motion carried unanimously; Mayor Gonzalez was present and voting.

VII. EXECUTIVE SESSION

At 6:15 p.m. Commissioner Rodriguez seconded by Commissioner Kerr moved to convene the regular meeting in Executive Session. The motion carried unanimously; Mayor Gonzalez was present and voting.

At 6:40 p.m. Mayor Gonzalez stated the City Commission had completed its Executive Session and reconvened the regular meeting as open to the public.

VIII. POSSIBLE ACTION ON WHAT IS DISCUSSED IN EXECUTIVE SESSION

A. Personnel - Discussion regarding the goals, objectives, and evaluation of the City Manager for the City of Weslaco as authorized by Section §551.074 of the Texas Government Code.

No action.

B. Personnel - Discussion regarding the administrative investigation of the complaint filed by a firefighter as authorized by Section §551.074 of the Texas Government Code.

No action.

C. Contract Negotiations – Discussion with the City Manager and City Attorney relating to the City’s rights, duties, privileges, and obligations in connection to the Collective Bargaining Agreement with the Fire Union (IAFF-WFFA Local 3207) FY October 1, 2022 – September 30, 2025, as authorized by Section §551.071 of the Texas Government Code.

No action.

IX. ADJOURNMENT

Commissioner Kerr seconded by Commissioner Rodriguez moved to adjourn the regular meeting of December 19, 2023, at 6:40 p.m. The motion carried unanimously; Mayor Gonzalez was present and voting.

CITY OF WESLACO

Adrian Gonzalez, **MAYOR**

ATTEST:

Norma A. Cantu, **CITY SECRETARY**



Standardized Agenda Request Form

Date of Meeting: January 2, 2024		Agenda Item No. (to be assigned by CSO): 2023-7291	
From:			
Subject: Approval for staff to solicit proposals for an Employee Assistance Program (EAP) and authorize the Mayor to execute any related documents. (Staffed by Human Resources Department.) Attachment			
Background:			
Funding Source (budget code, if applicable):			
Amount:	Term of Impact:	Identified in Current Budget:	
Additional Action Prompted: Mayor's Signature			
If item previously considered, provide date and action by Commission:			
If item requires Publication Notice, provide date and periodical of publication; indicate if comments received from letters mailed to property owners:			
Advisory Review, if any (name of board/committee, date of action, recommendation):			
Luz Galindo Luz Galindo Martin Garza		Created	
City Manager Comments: Approve as recommended by staff.			
Staff Recommendation:			
Attachments, if any:			
Responsibilities upon Approval:			



Standardized Agenda Request Form

Date of Meeting: January 2, 2024		Agenda Item No. (to be assigned by CSO): 2023-7300	
From: ROBERT LOPEZ			
Subject: Approval to purchase (and issue to) Honorably Retired Peace Officer Captain Gerardo "Jerry" Oliva's service weapon, a Glock Model 22 Gen 4 engraved "WESLACO PD", a used handgun with serial number WXN018 for the amount of \$255.00, as allowed under Texas Government Code Section 614.051 and authorize the Mayor to execute any related documents. (Staffed by Police Department.)			
Background: TEXAS GOVERNMENT CODE SEC. 614.051 Purchase of Firearms by an Honorably Retired Peace Officer: (a) An individual may purchase a firearm from a governmental entity if: (1) the individual was a peace officer commissioned by the entity; (2) the individual was honorably retired from the individual's commission by the entity; (3) the firearm had been previously issued to the individual by the entity; and (4) the firearm is not prohibited under Section 46.5 (Prohibited Weapons), Penal Code. (b) An individual may purchase only one firearm from a government under this section.			
Funding Source (budget code, if applicable):			
Amount:	Term of Impact:	Identified in Current Budget:	
Additional Action Prompted: Mayor's Signature			
If item previously considered, provide date and action by Commission:			
If item requires Publication Notice, provide date and periodical of publication; indicate if comments received from letters mailed to property owners:			
Advisory Review, if any (name of board/committee, date of action, recommendation):			
ADELAIDA VEGA ROBERT LOPEZ JOEL RIVERA Martin Garza		Created/Initiated Approved New	
City Manager Comments: Approve as recommended by staff.			
Staff Recommendation: Recommend Approval			
Attachments, if any:			
Responsibilities upon Approval:			



Standardized Agenda Request Form

Date of Meeting: January 2, 2024		Agenda Item No. (to be assigned by CSO): 2023-7301	
From: ROBERT LOPEZ			
Subject: Approval to purchase (and issue to) Honorably Retired Peace Officer Sgt. Arnulfo Sandoval's service weapon, a Glock Model 22 Gen 4 engraved "WESLACO PD", a used handgun with serial number WXN019 for the amount of \$255.00, as allowed under Texas Government Code Section 614.051 and authorize the Mayor to execute any related documents. (Staffed by Police Department.)			
Background: TEXAS GOVERNMENT CODE SEC. 614.051 Purchase of Firearms by an Honorably Retired Peace Officer: (a) An individual may purchase a firearm from a governmental entity if: (1) the individual was a peace officer commissioned by the entity; (2) the individual was honorably retired from the individual's commission by the entity; (3) the firearm had been previously issued to the individual by the entity; and (4) the firearm is not prohibited under Section 46.5 (Prohibited Weapons), Penal Code. (b) An individual may purchase only one firearm from a government under this section.			
Funding Source (budget code, if applicable):			
Amount:	Term of Impact:	Identified in Current Budget:	
Additional Action Prompted: Mayor's Signature			
If item previously considered, provide date and action by Commission:			
If item requires Publication Notice, provide date and periodical of publication; indicate if comments received from letters mailed to property owners:			
Advisory Review, if any (name of board/committee, date of action, recommendation):			
ADELAIDA VEGA ROBERT LOPEZ JOEL RIVERA Martin Garza		Created/Initiated New	
City Manager Comments: Approve as recommended by staff.			
Staff Recommendation: Recommend Approval			
Attachments, if any:			
Responsibilities upon Approval:			



Standardized Agenda Request Form

Date of Meeting: January 2, 2024		Agenda Item No. (to be assigned by CSO): 2023-7321	
From:			
Subject: Discussion and consideration on Resolution 2024-01 appointing a Civil Service Commission Member to fill a vacancy for an unexpired term ending July 19, 2025 as a result of a resignation and authorize the Mayor to execute any related documents. Possible action. (Staffed by City Manager.)			
Background: Griselda Martinez, Civil Service Commission Member, submitted her letter of resignation effective immediately from the Civil Service Commission Board. An appointment is needed to fill the remainder term set to expire July 19, 2025. Ms. Martinez was appointed July 19, 2022.			
Funding Source (budget code, if applicable):			
Amount:	Term of Impact:	Identified in Current Budget:	
Additional Action Prompted: Mayor's Signature Resolution			
If item previously considered, provide date and action by Commission:			
If item requires Publication Notice, provide date and periodical of publication; indicate if comments received from letters mailed to property owners:			
Advisory Review, if any (name of board/committee, date of action, recommendation):			
ADELAIDA VEGA Martin Garza		Created	
City Manager Comments: Approve nominee as recommended by the governing body.			
Staff Recommendation:			
Attachments, if any: Resignation Griselda Martinez Civil Service Commission Member, R2024-01 appt. Civil Service Commission			
Responsibilities upon Approval: Execute, retain and notify the appointee.			

From: CHRIS MARTINEZ <chris_z_martinez@yahoo.com>

Sent: Wednesday, December 27, 2023 10:52 AM

To: Martin Garza <mgarza@weslacotx.gov>

Cc: Christine Lucio <clucio@weslacotx.gov>; kevin@devoutbenefitsgroup.com; Mike De La Rosa <mikedlr1302@gmail.com>; Juan E. Gonzalez <juanegonzalez@jeglawn.net>

Subject: Resignation

Dear Mr. Garza:

It has been a great honor to serve on the City of Weslaco Civil Service Commission and an even greater honor to have served as Chairperson. However, after much thought and consideration, I am hereby tendering my resignation from the Commission effective immediately.

Sincerely,
Griselda Martinez

RECEIVED

DEC 27 2023

BY: CSD-AW

RESOLUTION NO. 2024-01

A RESOLUTION OF THE CITY OF WESLACO APPOINTING ONE
MEMBER TO THE WESLACO CIVIL SERVICE COMMISSION.

WHEREAS, the City of Weslaco has established the Weslaco Civil Service Commission pursuant to Chapter 143 of The Texas Local Government Code; and

WHEREAS, the terms of the members of this board are a 3-year staggered term; and

WHEREAS, the appointment of one member is needed because of a resignation; and

WHEREAS, the Civil Service Board members shall serve without compensation.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF WESLACO, TEXAS THAT following individual is appointed to the Civil Service Commission for an unexpired term ending July 19, 2025

Name

Term ending

07/19/2025

PASSED AND APPROVED on this 2nd day of January 2, 2024.

CITY OF WESLACO

Adrian Gonzalez, MAYOR

ATTEST:

Norma A. Cantu, CITY SECRETARY

APPROVED AS TO FORM:

Juan E. Gonzalez, CITY ATTORNEY



Standardized Agenda Request Form

Date of Meeting: January 2, 2024		Agenda Item No. (to be assigned by CSO): 2023-7246	
From: REBEKAH DE LA FUENTE			
Subject: Discussion and consideration to approve the application for the waiver of an existing encroachment within an alley at 401 S. Texas and authorize the Mayor to execute any related documents. Possible action. (Staffed by Planning and Code Enforcement.)			
Background: Staff received a request from the property owner of 401 N. Texas Blvd regarding the encroachment of an existing building into the City's rear alleyway. The building was constructed more than thirty years ago and does not obstruct access to the alleyway. The property owner is requesting approval from the City to allow for the encroachment for as long as the building exists. The City Attorney has provided a legal opinion regarding the matter.			
Funding Source (budget code, if applicable):			
Amount:	Term of Impact:	Identified in Current Budget:	
Additional Action Prompted: Mayor's Signature			
If item previously considered, provide date and action by Commission:			
If item requires Publication Notice, provide date and periodical of publication; indicate if comments received from letters mailed to property owners:			
Advisory Review, if any (name of board/committee, date of action, recommendation):			
REBEKAH DE LA FUENTE		Created/Initiated	
REBEKAH DE LA FUENTE		Approved	
Martin Garza		New	
City Manager Comments: Approve as recommended by staff.			
Staff Recommendation: Staff recommends approval based on opinion from City Attorney.			
Attachments, if any: Application for Waiver of Existing Encroachment within Alley			
Responsibilities upon Approval: Staff will advise property owner.			

APPLICATION FOR WAIVER OF EXISTING ENCROACHMENT WITHIN ALLEY

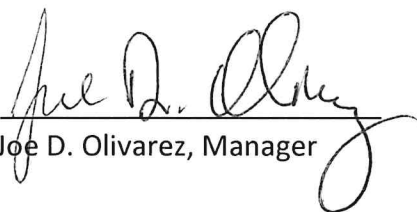
Date of Submittal

To the City of Weslaco:

Olivarez Family Company, LLC hereby makes application for the City of Weslaco to waive and consent to existing minor encroachments within an alley located between North Missouri and North Texas Blvd between Los Torritos Street and Agostadero Street, and over the sidewalk along Agostadero Street, as depicted on the surveys attached hereto.

The property containing the existing encroachment are commercial buildings in which Olivarez Family Company, LLC operates retail and office suites. The buildings were constructed 20 to 30 years ago. According to the recent surveys prepared by R. Robles and Associates, a minor portion of the western edge of the buildings was inadvertently constructed over and into the alley behind the buildings. In addition, the drive-thru overhang/porch to the south of 401 N. Texas appears to slightly encroach onto the sidewalk. The property owner asserts that the minor encroachment into the alleyway or over the sidewalk will not prevent the City from using or maintaining the alley or sidewalk.

OLIVAREZ FAMILY COMPANY, LLC

By: 
Joe D. Olivarez, Manager

P.O. Box 1667
Weslaco, Texas 78599

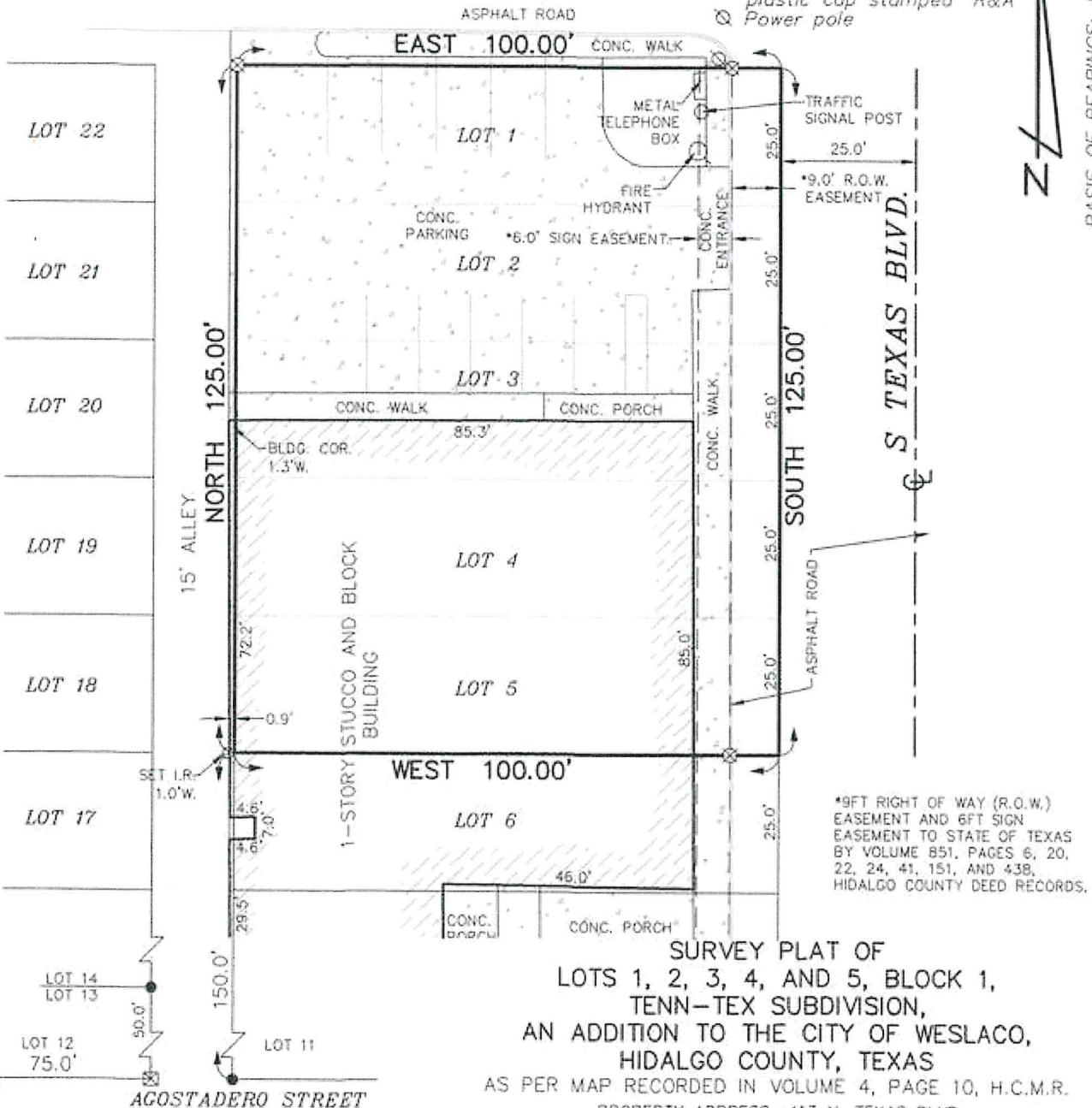
LOS TORRITOS STREET (50' R.O.W.)

- LEGEND**
- Found 1/2" iron rod
 - ⊕ Found "+" cut in concrete
 - ⊕ Set "+" in concrete
 - Set 1/2" iron rod with a plastic cap stamped "R&A"
 - ⊗ Power pole

21536

BASIS OF BEARINGS: I.R.
FND. FOR THE S.W. COR. LOT
11 AND "+" FND. FOR S.W.
COR. LOT 12

21



I, REYNALDO ROBLES, REGISTERED PROFESSIONAL LAND SURVEYOR OF THE STATE OF TEXAS, DO HEREBY CERTIFY THAT THE ABOVE PLAT REPRESENTS A SURVEY AS MADE ON THE GROUND UNDER MY SUPERVISION, THAT THERE ARE NO VISIBLE ENCROACHMENTS, NOR VISIBLE AND APPARENT EASEMENTS AT THE TIME OF SURVEY EXCEPT AS SHOWN AND BY GRAPHIC PLOTTING ONLY THIS PROPERTY LIES IN FLOOD ZONE "AH" (AREAS OF 100-YR SHALLOW FLOODING WHERE DEPTHS ARE BETWEEN ONE AND THREE FEET; BASE FLOOD ELEVATIONS ARE SHOWN BUT NO FLOOD HAZARD FACTORS ARE DETERMINED) OF FIRM COMMUNITY PANEL NO. 480349 0005 B, DATED MARCH 4, 1980.

Reynaldo Robles
 REYNALDO ROBLES, R.P.L.S. #4032

PREPARED FOR: JOE OLIVAREZ

RA

**ROBLES &
ASSOCIATES, PLLC**

PROFESSIONAL LAND SURVEYORS

P.O. BOX 476
 107 W. HUISACHE ST.
 WESLACO, TEXAS 78596

PHONE (956) 968-2422
 FAX (956) 969-2011
 FIRM No. 10096700

SURVEYED: 7-03-23

DRAWN BY: JR/7-25-23

SCALE: 1"=30'

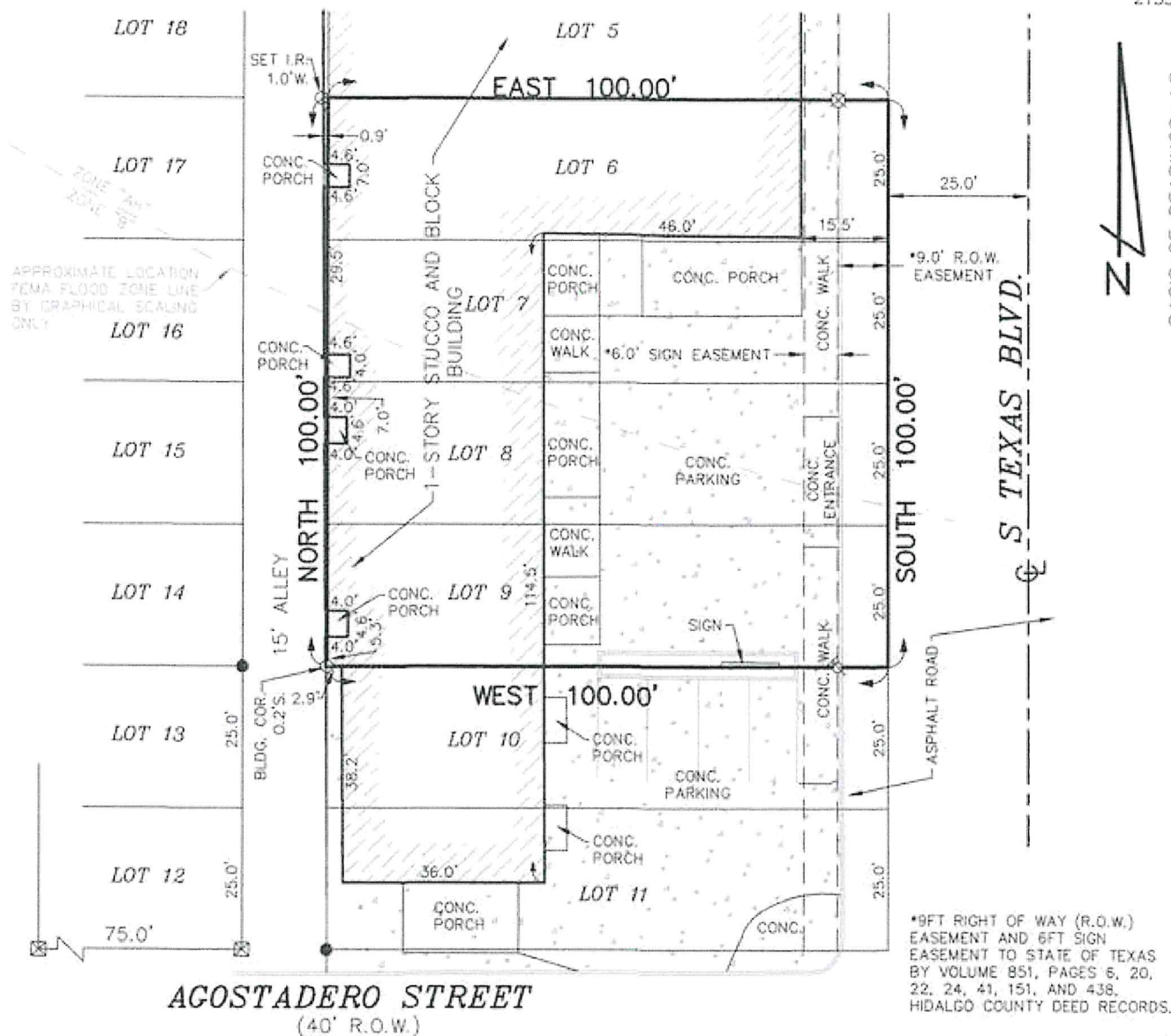
JOB No. 21536

TITLE
 COMMITMENT No.

REVISED:

SURVEY IS VALID ONLY IF PRINT HAS ORIGINAL
 EMBOSSED SEAL OF SURVEYOR OF RECORD.

© COPYRIGHT 2023



BASIS OF BEARINGS: I.R. COR. LOT 11 AND "FND. FOR S.W. COR. LOT 12"

LEGEND

- Found 1/2" iron rod
- ⊗ Found "+" cut in concrete
- ⊗ Set "+" in concrete
- ⊗ Set concrete nail
- ⊗ Set 1/2" iron rod with a plastic cap stamped "R&A"

I, REYNALDO ROBLES, REGISTERED PROFESSIONAL LAND SURVEYOR OF THE STATE OF TEXAS, DO HEREBY CERTIFY THAT THE ABOVE PLAT REPRESENTS A SURVEY AS MADE ON THE GROUND UNDER MY SUPERVISION, THAT THERE ARE NO VISIBLE ENCROACHMENTS, NOR VISIBLE AND APPARENT EASEMENTS AT THE TIME OF SURVEY EXCEPT AS SHOWN AND BY GRAPHIC PLOTTING ONLY THIS PROPERTY LIES IN FLOOD ZONE "B" (AREAS BETWEEN LIMITS OF THE 100 YEAR AND 500-YEAR FLOOD; OR CERTAIN AREAS SUBJECT TO 100-YEAR FLOODING WITH AVERAGE DEPTHS LESS THAN ONE FOOT OR WHERE THE CONTRIBUTING DRAINAGE AREA IS LESS THAN ONE SQUARE MILE; OR AREAS PROTECTED BY LEVEES FROM THE BASE FLOOD) AND ZONE "AH" (AREAS OF 100-YR SHALLOW FLOODING WHERE DEPTHS ARE BETWEEN ONE AND THREE FEET; BASE FLOOD ELEVATIONS ARE SHOWN BUT NO FLOOD HAZARD FACTORS ARE DETERMINED) OF FIRM COMMUNITY PANEL NO. 480349 0005 B, DATED MARCH 4, 1980.

Reynaldo Robles
REYNALDO ROBLES, R.P.L.S. #4032

SURVEY PLAT OF
LOTS 6, 7, 8, AND 9, BLOCK 1,
TENN-TEX SUBDIVISION,
AN ADDITION TO THE CITY OF WESLACO,
HIDALGO COUNTY, TEXAS
AS PER MAP RECORDED IN VOLUME 4, PAGE 10, H.C.M.R.

PROPERTY ADDRESS: 409 N. TEXAS BLVD.
WESLACO, TEXAS 78596

PREPARED FOR: JOE OLIVAREZ

RA ROBLES &
ASSOCIATES, PLLC

PROFESSIONAL LAND SURVEYORS

P.O. BOX 476
107 W. HUISACHE ST.
WESLACO, TEXAS 78596

PHONE (956) 968-2422
FAX (956) 969-2011
FIRM NO. 10096700

SURVEYED: 7-03-23

DRAWN BY: JR/7-25-23

SCALE: 1"=30'

JOB No. 21536-1

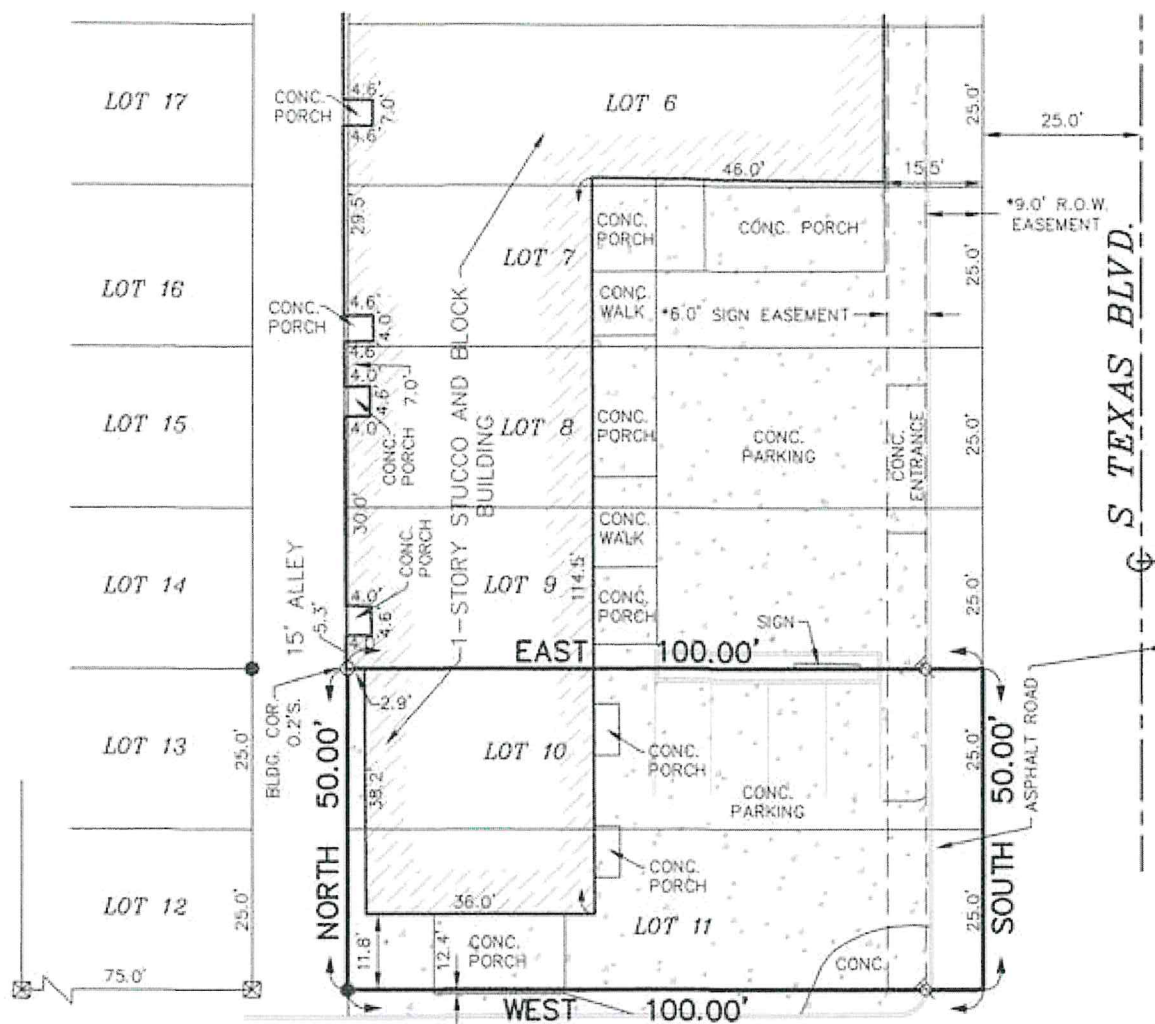
TITLE
COMMITMENT No.

REVISED:

SURVEY IS VALID ONLY IF PRINT HAS ORIGINAL
EMBOSSSED SEAL OF SURVEYOR OF RECORD.

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BASIS OF BEARINGS: I.R.
FND. FOR THE S.W. COR. LOT
11 AND FND. FOR S.W.
COR. LOT 12



AGOSTADERO STREET

(40' R.O.W.)

LEGEND

- Found 1/2" iron rod
- ⊗ Found "+" cut in concrete
- ⊗ Set "+" in concrete
- Set concrete nail
- Set 1/2" iron rod with a plastic cap stamped "R&A"

SURVEY PLAT OF
LOTS 10 AND 11, BLOCK 1,
TENN-TEX SUBDIVISION,
AN ADDITION TO THE CITY OF WESLACO,
HIDALGO COUNTY, TEXAS
AS PER MAP RECORDED IN VOLUME 4, PAGE 10, H.C.M.R.

*9FT RIGHT OF WAY (R.O.W.)
EASEMENT AND 6FT SIGN
EASEMENT TO STATE OF TEXAS
BY VOLUME 851, PAGES 6, 20,
22, 24, 41, 151, AND 438,
HIDALGO COUNTY DEED RECORDS.

I, REYNALDO ROBLES, REGISTERED PROFESSIONAL
LAND SURVEYOR OF THE STATE OF TEXAS, DO HEREBY
CERTIFY THAT THE ABOVE PLAT REPRESENTS A
SURVEY AS MADE ON THE GROUND UNDER MY SUPERVISION,
THAT THERE ARE NO VISIBLE ENCROACHMENTS, NOR VISIBLE
AND APPARENT EASEMENTS AT THE TIME OF SURVEY EXCEPT
AS SHOWN AND BY GRAPHIC PLOTTING ONLY THIS PROPERTY
LIES IN FLOOD ZONE "B" (AREAS BETWEEN LIMITS OF THE 100
YEAR AND 500-YEAR FLOOD; OR CERTAIN AREAS SUBJECT TO
100-YEAR FLOODING WITH AVERAGE DEPTHS LESS THAN ONE
FOOT OR WHERE THE CONTRIBUTING DRAINAGE AREA IS LESS
THAN ONE SQUARE MILE; OR AREAS PROTECTED BY LEVEES
FROM THE BASE FLOOD) OF FIRM COMMUNITY PANEL NO.
480349 0005 B, DATED MARCH 4, 1980.

Reynaldo Robles
REYNALDO ROBLES, R.P.L.S. #4032

PROPERTY ADDRESS: 318 N. TEXAS BLVD.
WESLACO, TEXAS 78596

PREPARED FOR: JOE OLIVAREZ

RA ROBLES &
ASSOCIATES, PLLC

PROFESSIONAL LAND SURVEYORS

P.O. BOX 476
107 W. HUISACHE ST.
WESLACO, TEXAS 78596

PHONE (956) 968-2422
FAX (956) 969-2011
FIRM No. 10096700

SURVEYED: 7-03-23

DRAWN BY: JR/7-25-23

SCALE: 1"=30'

JOB No. 21536-2

TITLE
COMMITMENT No.

REVISED:

SURVEY IS VALID ONLY IF PRINT HAS ORIGINAL
EMBOSSSED SEAL OF SURVEYOR OF RECORD.

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THE STATE OF TEXAS §

WAIVER OF EXISTING ENCROACHMENT WITHIN ALLEYWAY

COUNTY OF HIDALGO §

Be it known that the City of Weslaco, Texas, hereinafter referred to as "City," does hereby consent and agree to waive the following existing encroachments:

The encroachments (1) into the sidewalk south of 401 South Texas Blvd on Agostadero Street and (2) into the alleyway west of the commercial buildings situated at 401 through 413 North Texas Blvd, Weslaco, Hidalgo County, Texas, said waiver to be subject to the following conditions:

1. That the City shall not be responsible for any damages, losses or liability of any kind whatsoever by reason of this waiver.
2. That the Owner shall not continue the encroachment in the event that the improvements on the property are demolished.
3. This Waiver shall bind all future owners of the property in question.

IN TESTIMONY WHEREOF, this Waiver is executed on this the _____ day of _____, 2023.

CITY OF WESLACO

By: _____

Name: _____

Title: _____

THE STATE OF TEXAS §

Acknowledgment

COUNTY OF HIDALGO §

BEFORE ME, the undersigned authority, a Notary Public in and for the State of Texas, on this day personally appeared _____, whose name is subscribed to the foregoing instrument and acknowledged to me that same was the act of the City of Weslaco, a municipal corporation, and that s/he executed same for the purposes and consideration therein expressed and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the _____ day of _____, 2023.

Notary Public in and for the State of Texas



Standardized Agenda Request Form

Date of Meeting: January 2, 2024		Agenda Item No. (to be assigned by CSO): 2023-7275	
From:			
Subject: Discussion and consideration to purchase two (2) John Deere Z960M 72" ZTrak deck mowers from vendor Deere & Company/Tellus Equipment Solutions under TX BuyBoard Grounds Maintenance Contract 706-23 in the amount not to exceed \$31,940.68 as budgeted and authorize the Mayor to execute any related documents. Possible action. (Staffed by Parks & Recreation Department.)			
Background: New zero turn radius 72 inch deck mowers to used by the Parks crews for mowing parks. This equipment is funded in the current budget.			
Funding Source (budget code, if applicable):			
Amount:	Term of Impact:	Identified in Current Budget:	
Additional Action Prompted: Mayor's Signature			
If item previously considered, provide date and action by Commission:			
If item requires Publication Notice, provide date and periodical of publication; indicate if comments received from letters mailed to property owners:			
Advisory Review, if any (name of board/committee, date of action, recommendation):			
OMAR RODRIGUEZ OMAR RODRIGUEZ Martin Garza		Created/Initiated Approved New	
City Manager Comments: Approve as recommended by staff.			
Staff Recommendation: Staff recommends approval.			
Attachments, if any: Proposal for Quote 30107689 JD Z960M 72 Ztrac			
Responsibilities upon Approval:			

Customer:

Quotes are valid for 30 days from the creation date or upon contract expiration, whichever occurs first.

A Purchase Order (PO) or Letter of Intent (LOI) including the below information is required to proceed with this sale. The PO or LOI will be returned if information is missing.

Vendor: Deere & Company

- ☐ 2000 John Deere Run
Cary, NC 27513

- ☐ Signature on all LOIs and POs with a signature line

- ☐ Contract name or number; or JD Quote ID

- ☐ Sold to street address

- ☐ Ship to street address (no PO box)

- ☐ Bill to contact name and phone number

- ☐ Bill to address

- ☐ Bill to email address (required to send the invoice and/or to obtain the tax exemption certificate)

- ☐ Membership number if required by the contract

For any questions, please contact:

R.d. Machen

Tellus Equipment Solutions
2000 E Expressway 83
Weslaco, TX 78596

Tel: 956-968-7502

Fax: 956-968-4173

Email: rmachen@tellusequip.com

Quotes of equipment offered through contracts between Deere & Company, its divisions and subsidiaries (collectively "Deere") and government agencies are subject to audit and access by Deere's Strategic Accounts Business Division to ensure compliance with the terms and conditions of the contracts.

Quote Id: 30107689

**ALL PURCHASE ORDERS MUST BE MADE OUT
TO (VENDOR):**

Deere & Company
2000 John Deere Run
Cary, NC 27513
FED ID: 36-2382580
UEID: FNSWEDARMK53

**ALL PURCHASE ORDERS MUST BE SENT
TO DELIVERING DEALER:**

Tellus Equipment Solutions
2000 E Expressway 83
Weslaco, TX 78596
956-968-7502
lneuhaus@tellusequip.com

Prepared For:
City Of Weslaco

Proposal For:
City Of Weslaco

Delivering Dealer:

R.d. Machen

Tellus Equipment Solutions
2000 E Expressway 83
Weslaco, TX 78596

lneuhaus@tellusequip.com

Quote Prepared By:

R.d. Machen

rmachen@tellusequip.com

ALL PURCHASE ORDERS MUST BE MADE OUT TO (VENDOR):

Deere & Company
2000 John Deere Run
Cary, NC 27513
FED ID: 36-2382580
UEID: FNSWEDARMK53

ALL PURCHASE ORDERS MUST BE SENT TO DELIVERING DEALER:

Tellus Equipment Solutions
2000 E Expressway 83
Weslaco, TX 78596
956-968-7502
lneuhaus@tellusequip.com

Quote Summary**Prepared For:**

City Of Weslaco
TX

Delivering Dealer:

Tellus Equipment Solutions
R.d. Machen
2000 E Expressway 83
Weslaco, TX 78596
Phone: 956-968-7502
rmachen@tellusequip.com

**USED EQUIPMENT SOLD AS IS WHERE IS.
NO WARRANTY IS WRITTEN OR IMPLIED
UNLESS REMAINING FACTORY WARRANTY
IS TRANSFERABLE.
CONSULT YOUR SALES TEAM FOR
DETAILS.**

Quote ID: 30107689
Created On: 15 December 2023
Last Modified On: 15 December 2023
Expiration Date: 31 January 2024

Equipment Summary	Suggested List	Selling Price	Qty	Extended
JOHN DEERE Z960M ZTrak	\$ 19,997.00	\$ 15,970.34 X	2 =	\$ 31,940.68

Contract: TX BuyBoard Grounds Mtnc Equip, Irrigation 706-23 (PG 67 CG 70)

Price Effective Date: December 14, 2023

Equipment Total **\$ 31,940.68**

Quote Summary

Equipment Total	\$ 31,940.68
Trade In	
SubTotal	\$ 31,940.68
Est. Service Agreement Tax	\$ 0.00
Total	\$ 31,940.68
Balance Due	\$ 31,940.68

Salesperson : X _____

Accepted By : X _____

Selling Equipment

Quote Id: 30107689

Customer Name:
ALL PURCHASE ORDERS MUST BE MADE OUT TO (VENDOR):

Deere & Company
2000 John Deere Run
Cary, NC 27513
FED ID: 36-2382580
UEID: FNSWEDARMK53

ALL PURCHASE ORDERS MUST BE SENT TO DELIVERING DEALER:

Tellus Equipment Solutions
2000 E Expressway 83
Weslaco, TX 78596
956-968-7502
lneuhaus@tellusequip.com

JOHN DEERE Z960M ZTrak

Hours:
Suggested List *
Stock Number:
\$ 19,997.00

Contract: TX BuyBoard Grounds Mtnc Equip, Irrigation
706-23 (PG 67 CG 70)

Selling Price *
\$ 15,970.34

Price Effective Date: December 14, 2023

* Price per item - includes Fees and Non-contract items

Code	Description	Qty	List Price	Discount%	Discount Amount	Contract Price	Extended Contract Price
2233TC	Z960M ZTrak	2	\$ 15,809.00	22.00	\$ 3,477.98	\$ 12,331.02	\$ 24,662.04
Standard Options - Per Unit							
001A	United States/Canada	2	\$ 0.00	22.00	\$ 0.00	\$ 0.00	\$ 0.00
1041	24x12N12 Michelin X Tweel Turf for 72 In. Decks	2	\$ 1,149.00	22.00	\$ 252.78	\$ 896.22	\$ 1,792.44
1506	72 In. Side Discharge Mower Deck	2	\$ 750.00	22.00	\$ 165.00	\$ 585.00	\$ 1,170.00
2093	Fully Adjustable Suspension Seat with Armrests (24" High Back)	2	\$ 595.00	22.00	\$ 130.90	\$ 464.10	\$ 928.20
Standard Options Total			\$ 2,494.00		\$ 548.68	\$ 1,945.32	\$ 3,890.64
Dealer Attachments/Non-Contract/Open Market							
002	Non-Contract HD Belt Kit	2	\$ 399.00	0.00	\$ 0.00	\$ 399.00	\$ 798.00
001	Non-Contract HD Canopy Kit	2	\$ 1,295.00	0.00	\$ 0.00	\$ 1,295.00	\$ 2,590.00
Dealer Attachments Total			\$ 1,694.00		\$ 0.00	\$ 1,694.00	\$ 3,388.00
Value Added Services Total			\$ 0.00			\$ 0.00	\$ 0.00
Total Selling Price			\$ 19,997.00		\$ 4,026.66	\$ 15,970.34	\$ 31,940.68



Standardized Agenda Request Form

Date of Meeting: January 2, 2024	Agenda Item No. (to be assigned by CSO): 2023-7299	
From:		
Subject: Discussion and consideration to modify/amend the Purchasing Policy to reflect Standard Federal contract requirements for the procurement process and authorize the Mayor to execute any related documents. Possible action. (Staffed by Grant Writer.)		
Background:		
Funding Source (budget code, if applicable):		
Amount:	Term of Impact:	Identified in Current Budget:
Additional Action Prompted: Mayor's Signature		
If item previously considered, provide date and action by Commission:		
If item requires Publication Notice, provide date and periodical of publication; indicate if comments received from letters mailed to property owners:		
Advisory Review, if any (name of board/committee, date of action, recommendation):		
ADELAIDA VEGA Martin Garza		Created
City Manager Comments: Approve as recommended by staff.		
Staff Recommendation:		
Attachments, if any: 2024-01-02 Purchasing Policy Proposed, 2 CFR 200 Appendix II		
Responsibilities upon Approval:		

City of Weslaco



Purchasing Policy

Proposed January 2, 2024



CITY OF WESLACO MANAGEMENT LETTER

FROM: Martin Garza City Manager
TO: All City Departments
SUBJECT: Purchasing Policy
DATE: January 02, 2024

The Purchasing Office provides assistance to all departments in the City Organization by securing for them the best material or service of the right quality at the best price. This objective can be accomplished if all departments are familiar with a set purchasing policy observing Texas statutes and set forth by the City of Weslaco Commission.

Each Department Head will be held accountable for the proper administration of the Purchasing Policy within his/her department. Internal controls must be established within each department to avoid abuses of the policy.

Adhering to the Purchasing Policy can save the City both time and money. With adequate planning by all departments in compliance with all the rules and regulations, exceptions to the Purchasing Policy as outlined in this manual should be infrequent.

The Purchasing Policy must serve as a reference and guide so that the purchasing operations of the City will be consistent.

The Purchasing Office has the responsibility and the authority to reject purchase order requests that violate the Purchasing Policy or State Law. In addition, the Purchasing Office has the responsibility to question purchases which appear to violate the law, or create an appearance of conflict.

The Finance Department serves as a final check on the availability of funds and the appropriate funding source on all purchases. Interpretation of the Purchasing Policy will be brought to the attention of the Finance Department / Purchasing Office for resolution. The City Manager reserves the right to make any final determination of Purchasing Policy conflicts inconsistent with State Law.

Martin Garza, City Manager

Rosie Cavazos, Finance Director

**THE CITY OF WESLACO, TEXAS
PURCHASING POLICY**

EFFECTIVE JANUARY 2, 2024

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1.0 PURCHASING POLICY AND OBJECTIVES

1.1 INTRODUCTION

The City of Weslaco Purchasing Policy is to ensure fair, competitive access to governmental procurement by responsible vendors/contractors and to conduct business activities in such a manner to foster public confidence in the integrity of the City of Weslaco.

The Texas Comptroller of Public Accounts issued a Model Purchasing Manual for Texas Cities and Counties in 2010 with the following goals of public purchasing:

“Purchasing is the process of acquiring all the goods and services necessary for a government entity to provide the public with certain services.

Private sector purchasing’s goals are to:

- Purchase the proper good or service to suit the business’ need;
- Get the best possible price for the good or service;
- Have the good or service available where and when it is needed;
- Ensure a continuing supply of needed goods and services; and
- Guard against any misappropriation of the business’ assets procured by purchasing.

Public Purchasing has the same goals and some additional goals, including:

- Responsible bidders are given a fair opportunity to compete for the government’s business. This is done partially by the statutory requirements for competitive bids and proposals, and partially by the government’s own purchasing procedures.
- Public funds are safeguarded. Although the purchasing office does not usually designate the types of purchases to be made, it should see that the best value is received for the public dollar.
- Public spending is not used to enrich elected officials or government employees, or to confer favors on favored constituents.
- Historically underutilized businesses (HUBs) have an equal opportunity in the contract awards process.”

1.2 PURCHASING OBJECTIVES

The primary objective of the Purchasing Office is to support the Department Directors in accomplishing the goals established by the City Commission and the City Manager. The Purchasing Office will comply with legal and ethical standards to obtain the specified quality and quantity of merchandise at the lowest cost to the City.

1.3 PURCHASING AUTHORITY

Purchasing Authority is defined as the ability to initiate purchases without approval from another person and is displayed in the chart below. Proper authorization and/or Purchase Order approval is needed before an actual order is placed with a vendor.

Tier	Type	Lower limit	Upper limit	Quotes/Bids	Approval
1	Direct Purchase Order	-	1,000.00	None	Department Director / Purchase Agent
2	Informal	1,000.01	5,000.00	3 telephone	Dept Director /Purchase Agent /Finance Dir *
3	Formal	5,000.01	25,000.00	3 written	Dept Director /Purchase Agent /Fin Director /City Manager *
4	Competitive	25,000.01	and up	Advertised 2 weeks, sealed bids/proposals	City Commission *

*Note: As per State law, any purchase between \$3,000 and \$50,000 – must check HUB list

Department Head Approval: Department Head must approve all purchases. Account designees will only approve on behalf of Department Head when the Department Head is absent from the office, yet it is strongly encouraged that the Department Head accept the responsibility on all purchases made within his/her department. The Department Head by approving such purchases assures the City that such items or service is needed to promote City operations and assumes the responsibility of such purchase being inventoried.

City Manager Approval: The City Manager reserves the right to approve any and all professional services contracts not exceeding \$15,000.00.

2.0 SMALL PURCHASES - \$1,000.00 AND UNDER – NO QUOTES REQUIRED

2.1 SMALL PURCHASE DEFINITION

A small purchase totals \$1,000.00 or less. Although quotations are not required for small purchases, purchasers should ensure that a variety of vendors have an opportunity to participate in the business conducted by the department. Alternating awards to qualified vendors should be a policy of each department.

2.2 SPLITTING PURCHASES PROHIBITED: Splitting purchases in order to avoid the \$1,000.00 small purchase threshold is prohibited.

3.0 PURCHASES BETWEEN \$1,000.01 AND \$5,000.00 – REQUIRE THREE INFORMAL QUOTES

3.1 Informal quotes are telephone conversations, emails, website pricing on goods or services, which can be presented on a City quote form or tabulation.

3.2 HUB Vendor Search and Solicitation

- Section 252.0215 of the Texas Local Government Code mandates that “a municipality, in making an expenditure of more than **\$3,000.00** but less than \$50,000.00 shall contact at least two historically underutilized businesses on a rotating basis, based on information provided by the comptroller pursuant to Chapter 2161, Government Code. If the list fails to identify a historically underutilized business in the county in which the city is situated, the municipality is exempt from this section.” The listing for HUB vendors is found on the Texas Comptroller of Public Accounts website.

4.0 PURCHASES BETWEEN \$5,000.01 AND \$25,000.00 – REQUIRE THREE FORMAL QUOTES

4.1 Formal quotes are actual letterhead, or business printed forms, emails from a responding vendor or firm with pricing on goods or services. Formal quotes must be provided as back up to the City quote form or tabulation.

4.2 HUB Vendor Search and Solicitation

- Section 252.0215 of the Texas Local Government Code mandates that “a municipality, in making an expenditure of more than \$3,000.00 but less than \$50,000.00 shall contact at least two historically underutilized businesses on a rotating basis, based on information provided by the comptroller pursuant to Chapter 2161, Government Code. If the list fails to identify a historically underutilized business in the county in which the city is situated, the municipality is exempt from this section.” The listing for HUB vendors is found on the Texas Comptroller of Public Accounts website.

5.0 PURCHASES OVER \$25,000.00 – REQUIRE CITY COMMISSION APPROVAL AND/OR COMPETITIVE SEALED BIDS OR PROPOSALS

- 5.1 Purchases that total \$ 50,000.00 and over are governed by state law (Chapter 252, Texas Local Government Code). The City reserves the right to seek competitive bidding below the State's threshold. Therefore, any purchase over \$25,000.00 must be presented to the City Commission for approval and advertise for competitive bidding in accordance with state requirements.

Once the need for competitive bidding has been identified and the City Commission has approved going out for bids, there shall be no contact by any potential vendor with any City Commission member, or City staff, other than with the Purchasing Agent.

5.2 General Overview of Competitive Bidding and Solicitation of Proposals

- Written Specifications: Written specifications indicating a clear and concise description of the Item(s) or Service(s) to be purchased must be presented to the Purchasing Office. The City Manager must approve all specifications prior to advertising.
- Bid Preparation: Based on the specifications, the Purchasing Agent will prepare a bid specification to be sent to at least three vendors. All bid specs will be prepared by Purchasing and will be sent out ONLY on the official City of Weslaco bid form.
- Bid Advertisement: The Purchasing Agent will schedule a bid/proposal opening date and will advertise the solicitation in a local newspaper and City website at least fourteen (14) days before the scheduled bid opening date. The prepared solicitation will include the bid/proposal opening date, and the time and place will be clearly stated on the front page of the advertisement.
- Bid/Proposal Record: The Purchasing Agent will prepare a bid/proposal file to be maintained in the Purchasing office.
- Bid/Proposal Opening: On the bid/proposal opening date at the time and place designated in the advertisement, the Purchasing Agent will publicly open and read aloud all responses to the solicitation that have been received. The bid/proposal opening will be open to the public, and all respondents are invited to attend. Bids/Proposals received after the deadline imposed will not be accepted, and any late bids/proposals received vial any mail courier will be returned to the vendor.
- Bid Tabulation: The Purchasing Agent and/or Department Head will prepare a bid tabulation sheet listing all responses received from each vendor along with other information such as vendor terms, lead times, and warranties.
- Bid Review: The Purchasing Agent and/or Department Head will review the responses and agree on which bid/proposal to deem most advantageous to the City.

- Bid Approval: The Purchasing Agent and/or Department Head will prepare a memo to the City Manager describing the bid/proposal and state a recommendation for action. The memo and bid tabulation will be submitted to the Finance Director for approval and inclusion on the next possible City Commission agenda.
- CITY COMMISSION APPROVAL: ONLY THE CITY COMMISSION HAS THE AUTHORITY TO AUTHORIZE A CONTRACT OR ORDER OVER \$25,000.00 WORTH OF GOODS / SERVICES TO A VENDOR.

6.0 PREPARING BID SPECIFICATIONS IN DETAIL

Written specifications giving a clear and concise description of the item(s) to be purchased must accompany all purchase requisitions totaling \$25,000.00 or over. Product specifications are the responsibility of the requesting department, but, when requested, the Purchasing Agent will participate with each department in establishing specifications. Departments are encouraged to include Purchasing from the beginning of a project and to seek upon any expertise that Purchasing Office might have in the formulation of product specifications. If required, the Purchasing Agent will schedule a pre-bid/proposal meeting for the purpose of developing or reviewing specifications and answering questions.

Department Heads will establish and approve specifications for construction and repair contracts, vehicles and equipment. All specifications that include tractors and vehicular equipment, including trailers that attach to such vehicular equipment, shall be jointly approved by the Department Head responsible for overseeing the City's vehicle fleet, and the City Manager. All vehicle specifications shall be generic and should not be written around a particular type or make of equipment.

- 6.1 Brand Names - In order to provide a fair and equal opportunity for all vendors, City policy prohibits brand names from being specified as the only brand that will be accepted. Brand names can only be used as an example of the type of material required. When a brand name is used in a specification, the statement "Brand name or equal" should always be used. The only exception to this policy should be when the item to be purchased can only be used with existing equipment and the brand specified is the only brand that would work with the existing equipment.
- 6.2 Sole Source Purchases - A purchase might be necessary or practical from only one vendor. Some of these are defined by state statute: [Texas Local Government Code Section 252.022]
 - There is no competitive product. The good/service is a one-of-a-kind or patented product, a copyrighted publication available from only one source, or a unique item such as an art work. An item that is manufactured by a company and sold through several distributors is not considered a sole source since quotations can be obtained through several distributors.

- The product is only available from a regulated or natural monopoly. For example, utilities, gravel from the only pit in the area, or some similar situation.
 - The product is a component of an existing system that is only available from one supplier. The replacement of a component or a repair part may only be available from the original supplier.
- 6.3 Sole Source Purchasing Form – Departments must document any Sole Source Purchases by including a detailed memo, and/or a letter authenticating the nature of sole distribution rights from vendor, and the City Letterhead Sole Source Purchasing Form.

7.0 EMERGENCY PURCHASES / OTHER EXEMPT PURCHASES

Texas statute (Texas Local Government Code 252.022) generally allows local governments to make emergency or exempted purchases without competitive bidding. Although there is not a precise definition of what constitutes an emergency purchase, a municipality is generally exempted from competitive bidding if:

- In case of a public calamity, the prompt purchase of items or service is required to provide for the needs of the public or to preserve the property of the City of Weslaco, or
 - The item is necessary to preserve or protect the public health or safety of residents of the City of Weslaco, or
 - The item is made necessary by unforeseen damage to public machinery, equipment, or other property.
- 7.1 For purposes of this policy, the emergency purchase as outlined above shall be defined as a Local Emergency, as distinguished from a Disaster Declaration.
- 7.2 A Disaster Declaration is an emergency that entails the formal declaration by the Mayor, and in which the Emergency Operations Center is deployed.
- 7.3 In cases of a Local Emergency, Tier 3 approvals are amended as follows, and Tier 4 is eliminated:

Tier	Type	Lower limit	Upper limit	Quotes/Bids	Approval
3	Informal	5,000.01	and up	3 written, if possible, if not, telephone	Dept Director / Purchasing Agent / Finance Dir / City Manager

**

** If purchase is over \$25,000 then item placed on next agenda for ratification by City Commission.

- 7.4 In the case of a Disaster Declaration, the same process is followed for a Local Emergency, except that an additional approval by the Emergency Management Director is required for all such purchases.
- 7.5 Emergency Purchase Form – Departments must document any Emergency Purchases by including a detailed memo stating the nature of emergency, and/or a letter from Emergency Management Director authenticating the nature of emergency, and the City Letterhead Emergency Purchasing Form.
- 7.6 In addition to emergency exemptions there are other types of exemptions from the bidding procedures as established by Texas Local Government Code 252.022, including:
- Personal, professional, or planning services defined only as those performed by a certified public accountant, licensed architect, physician, optometrist, surgeon, registered surveyor, engineer or any group or association thereof. If the service you are procuring is not listed above; it is NOT A PROFESSIONAL SERVICE.
 - In cases where equipment must be dismantled in order for a vendor to provide an estimate.

8.0 CHANGE ORDERS TO PURCHASES ORDERS OR CONTRACTS

All change order or modification requests to purchase orders or contracts must be submitted to the Purchasing Office. The City Manager has the authority to approve changes in the plans or specifications of a contract award over \$50,000.00 after performance of the contract has commenced, or to decrease or increase the quantity of work to be performed, or materials, equipment, or supplies to be furnished.

The City Manager is authorized to approve change orders, subject to the following conditions:

- The original contract price may not be increased more than 25%;
- The original contract price may not be decreased more than 25% without the consent of the contractor;
- The change order involves a decrease or an increase of \$25,000 or less;
- All change orders must be reviewed and approved by the City Commission prior to final payment to the contractor, even if previously approved by the City Manager and fully executed; (Texas Local Government Code, Sec. 252.048).

Copies of invoices, and all correspondence related to the change order, including a memo from Department Head, will be sent to the Purchasing Office and will become part of the permanent file of the purchase order or contract/project.

9.0 STATE CONTRACTS & OTHER PURCHASING COOPERATIVES

AND ANNUAL CONTRACTS

- 9.1 State Contracts - The City of Weslaco participates in the State of Texas Cooperative Purchasing Program (CO-OP). The program allows the City to make procurements through contracts established by the state with various vendors for a wide variety of products and services. Since advertising and bid procedures have already been satisfied by the State through these contracts, the City does not have to go through the advertising and bidding process when making purchases through the state program. A listing of products and services available through state contract is available from Purchasing Office or on the Texas Comptroller of Public Accounts website.
- 9.2 Other Purchasing Cooperatives - The City of Weslaco participates with several other cooperative purchasing programs. In each case, all advertising and bidding requirements have been satisfied. The City is a participating member of the following cooperatives (including but not limited to):
- BuyBoard
 - Texas DIR
 - Houston-Galveston Area Council of Governments (HGAC)
 - TCPN

10.0 ANNUAL CONTRACT

Repetitive purchases of the same item from the same vendor may not individually exceed the approval levels, but when taken in the aggregate, may exceed the minimum level to warrant the bidding process. In such cases, the Purchasing Office or Department Head may establish an annual contract with a vendor or use state or local cooperative purchasing contracts for specific repetitively-used items such as fuel, or street material or, other services. After a contract has been approved by the City Commission, if needed, authorized department representatives may make purchases of the materials or services specified under the contract directly from the successful vendor through the annual contract with regards to approved annual amounts set forth by the City Commission.

11.0 PURCHASING ETHICS

Anyone engaged in procurement for the City of Weslaco shall comply with the following ethical standards:

11.1 PERSONAL GAIN

It shall be a breach of ethics to attempt to realize personal gain through public employment with the City of Weslaco by any conduct inconsistent with the proper discharge of the employee's duties.

11.2 INFLUENCE OF A PUBLIC EMPLOYEE

It shall be a breach of ethics to attempt to influence any public employee of the City of Weslaco to breach the standards of ethical conduct set forth by the City.

11.3 PARTICIPATING IN PROCUREMENTS WITH FAMILY OR FRIENDS

It shall be a breach of ethics for any employee of the City of Weslaco to participate directly or indirectly in procurement when the employee knows that:

- The employee or any member of the employee's immediate family has a financial interest pertaining to the procurement;
- A business or organization in which the employee, or any member of the employee's immediate family, has a financial interest pertaining to the procurement; or
- Any other person, business or organization with whom the employee or any member of the employee's immediate family is negotiating or has an arrangement concerning prospective employment is involved in the procurement.

11.4 GRATUITIES

It shall be a breach of ethics for any employee of the City of Weslaco to solicit or accept any gratuity or offer of employment in connection with a City purchase.

11.5 KICKBACKS

It shall be a breach of ethics for any payment, gratuity or offer of employment to be made by or on behalf of a vendor/subcontractor under a contract to the prime vendor/contractor or higher tier subcontractor for any contract for the City of Weslaco or any person associated therewith, as an inducement for the award of a subcontract or order.

11.6 CONTRACT CLAUSE

The prohibition against gratuities and kickbacks prescribed above shall be conspicuously set forth in every contract and solicitation therefore.

11.7 CONFIDENTIAL INFORMATION

It shall be a breach of ethics for any employee or former employee of the City of Weslaco knowingly to use confidential information for actual or anticipated gain of any person.

11.8 PURCHASE OF MATERIALS, EQUIPMENT, & SUPPLIES FOR PERSONAL USE

Unless specifically approved in writing by the City Manager, no employee may purchase City property for his/her own personal use unless it is bought through the public City auction. A City employee declaring items surplus may not purchase that such item. This includes both new and used equipment, materials, or supplies.

11.9 PRIVATE PURCHASES THROUGH CITY FACILITIES

No employee may use the purchasing power of the City of Weslaco to make private purchases. In addition, employees should not have private purchases sent to the City C.O.D.

11.10 DISCLOSURE OF INTERESTED PARTIES

In accordance with section 2252.908 of the Texas Government Code, The City of Weslaco may not enter into a contract with a business entity that requires the approval of the City Commission until that business entity files a Form 1295 with the Texas Ethics Commission through the Texas Ethic Commission online reporting, and then files the completed, signed, and notarized Form 1295 with the City of Weslaco Purchasing Agent.

11.11 PROHIBITED CONTACT

Once the City Commission has approved going out for bids on a procurement, there shall be no contact by any potential vendor/bidder with any member of the City Commission or with any City staff, other than with the Purchasing Agent in the normal course of the bidding process.

12.0 MISCELLANEOUS

12.1 TAX EXEMPT STATUS

The City of Weslaco is exempt from federal, state, and municipal taxes except in certain prescribed cases such as hotel/motel taxes. A Texas Sales and Use Tax Exemption Certificate may be provided to vendor as proof of exemption status. The City of Weslaco Texas Taxpayer identification number is: 17460025442

12.2 CONSIDERATION OF LOCATION OF BIDDER'S PRINCIPAL PLACE OF BUSINESS – City of Weslaco reserves the right to award a higher bid if the higher bid is from a local business located in the City of Weslaco and is within 3% of the lower bid for real property and 5% for construction projects. The City Manager has full discretion when considering the Principal Place of Business statute.

13.0 FEDERAL GRANT PROCUREMENT

The City of Weslaco follows State of Texas and Federal 2CFR 200.318-200.327 and Appendix II to Part 200 procurement law and guidance in the purchasing and contract management of goods and services. Additional policy guidance below addresses federal purchasing requirements as required by 2 CFR 200 pertaining to the expenditures of federal grant funds.

§ 200.318 General procurement standards.

(a)

The non-Federal entity must have and use documented procurement procedures, consistent with State, local, and tribal laws and regulations and the standards of this section, for the acquisition of property or services required under a Federal award or subaward. The non-Federal entity's documented procurement procedures must conform to the procurement standards identified in §§ 200.317 through 200.327.

(b) Non-Federal entities must maintain oversight to ensure that contractors perform in accordance with the terms, conditions, and specifications of their contracts or purchase orders.

(c) (1)

The non-Federal entity must maintain written standards of conduct covering conflicts of interest and governing the actions of its employees engaged in the selection, award and administration of contracts. No employee, officer, or agent may participate in the selection, award, or administration of a contract supported by a Federal award if he or she has a real or apparent conflict of interest. Such a conflict of interest would arise when the employee, officer, or agent, any member of his or her immediate family, his or her partner, or an organization which employs or is about to employ any of the parties indicated herein, has a financial or other interest in or a tangible personal benefit from a firm considered for a contract. The officers, employees, and agents of the non-Federal entity may neither solicit nor accept gratuities, favors, or anything of monetary value from contractors or parties to subcontracts. However, non-Federal entities may set standards for situations in which the financial interest is not substantial or the gift is an unsolicited item of nominal value. The standards of conduct must provide for disciplinary actions to be applied for violations of such standards by officers, employees, or agents of the non-Federal entity.

(2) If the non-Federal entity has a parent, affiliate, or subsidiary organization that is not a State, local government, or Indian tribe, the non-Federal entity must also maintain written standards of conduct covering organizational conflicts of interest. Organizational conflicts of interest means that because of relationships with a parent company, affiliate, or subsidiary organization, the non-Federal entity is unable or appears to be unable to be impartial in conducting a procurement action involving a related organization.

(d) The non-Federal entity's procedures must avoid acquisition of unnecessary or duplicative items. Consideration should be given to consolidating or breaking out procurements to obtain a more economical purchase. Where appropriate, an analysis will be made of lease versus purchase alternatives, and any other appropriate analysis to determine the most economical approach.

(e) To foster greater economy and efficiency, and in accordance with efforts to promote cost-effective use of shared services across the Federal Government, the non-Federal entity is encouraged to enter into state and local intergovernmental agreements or inter-entity agreements where appropriate for procurement or use of common or shared goods and services. Competition requirements will be met with documented procurement actions using strategic sourcing, shared services, and other similar procurement arrangements.

(f) The non-Federal entity is encouraged to use Federal excess and surplus property in lieu of purchasing new equipment and property whenever such use is feasible and reduces project costs.

(g) The non-Federal entity is encouraged to use value engineering clauses in contracts for construction projects of sufficient size to offer reasonable opportunities for cost reductions. Value engineering is a systematic and creative analysis of each contract item or task to ensure that its essential function is provided at the overall lower cost.

(h) The non-Federal entity must award contracts only to responsible contractors possessing the ability to perform successfully under the terms and conditions of a proposed procurement. Consideration will be given to such matters as contractor integrity, compliance with public policy, record of past performance, and financial and technical resources. See also § 200.214.

(i) The non-Federal entity must maintain records sufficient to detail the history of procurement. These records will include, but are not necessarily limited to, the following: Rationale for the method of procurement, selection of contract type, contractor selection or rejection, and the basis for the contract price.

(j) (1)

The non-Federal entity may use a time-and-materials type contract only after a determination that no other contract is suitable and if the contract includes a ceiling price that the contractor exceeds at its own risk. Time-and-materials type contract means a contract whose cost to a non-Federal entity is the sum of:

(i) The actual cost of materials; and

(ii) Direct labor hours charged at fixed hourly rates that reflect wages, general and administrative expenses, and profit.

(2) Since this formula generates an open-ended contract price, a time-and-materials contract provides no positive profit incentive to the contractor for cost control or labor efficiency. Therefore, each contract must set a ceiling price that the contractor exceeds at its own risk. Further, the non-Federal entity awarding such a contract must assert a high degree of oversight in order to obtain reasonable assurance that the contractor is using efficient methods and effective cost controls.

(k) The non-Federal entity alone must be responsible, in accordance with good administrative practice and sound business judgment, for the settlement of all contractual and administrative issues arising out of procurements. These issues include, but are not limited to, source evaluation, protests, disputes, and claims. These standards do not relieve the non-Federal entity of any contractual responsibilities under its contracts. The Federal awarding agency will not substitute its judgment for that of the non-Federal entity unless the matter is primarily a Federal concern. Violations of law will be referred to the local, state, or Federal authority having proper jurisdiction.

[85 FR 49543, Aug. 13, 2020, as amended at 86 FR 10440, Feb. 22, 2021]

§ 200.319 Competition.

(a) All procurement transactions for the acquisition of property or services required under a Federal award must be conducted in a manner providing full and open competition consistent with the standards of this section and § 200.320.

(b) In order to ensure objective contractor performance and eliminate unfair competitive advantage, contractors that develop or draft specifications, requirements, statements of work, or invitations for bids or requests for proposals must be excluded from competing for such procurements. Some of the situations considered to be restrictive of competition include but are not limited to:

(1) Placing unreasonable requirements on firms in order for them to qualify to do business; Requiring unneces-

(2) sary experience and excessive bonding;

(3) Noncompetitive pricing practices between firms or between affiliated companies; Noncompetitive

(4) contracts to consultants that are on retainer contracts; Organizational conflicts of interest;

(5)

- (6) Specifying only a “brand name” product instead of allowing “an equal” product to be offered and describing the performance or other relevant requirements of the procurement; and
 - (7) Any arbitrary action in the procurement process.
- (c) The non-Federal entity must conduct procurements in a manner that prohibits the use of statutorily or administratively imposed state, local, or tribal geographical preferences in the evaluation of bids or proposals, except in those cases where applicable Federal statutes expressly mandate or encourage geographic preference. Nothing in this section preempts state licensing laws. When contracting for architectural and engineering (A/E) services, geographic location may be a selection criterion provided its application leaves an appropriate number of qualified firms, given the nature and size of the project, to compete for the contract.
- (d) The non-Federal entity must have written procedures for procurement transactions. These procedures must ensure that all solicitations:
- (1) Incorporate a clear and accurate description of the technical requirements for the material, product, or service to be procured. Such description must not, in competitive procurements, contain features which unduly restrict competition. The description may include a statement of the qualitative nature of the material, product or service to be procured and, when necessary, must set forth those minimum essential characteristics and standards to which it must conform if it is to satisfy its intended use. Detailed product specifications should be avoided if at all possible. When it is impractical or uneconomical to make a clear and accurate description of the technical requirements, a “brand name or equivalent” description may be used as a means to define the performance or other salient requirements of procurement. The specific features of the named brand which must be met by offers must be clearly stated; and
 - (2) Identify all requirements which the offerors must fulfill and all other factors to be used in evaluating bids or proposals.
- (e) The non-Federal entity must ensure that all prequalified lists of persons, firms, or products which are used in acquiring goods and services are current and include enough qualified sources to ensure maximum open and free competition. Also, the non-Federal entity must not preclude potential bidders from qualifying during the solicitation period.
- (f) Noncompetitive procurements can only be awarded in accordance with § 200.320(c).

§ 200.320 Methods of procurement to be followed.

The non-Federal entity must have and use documented procurement procedures, consistent with the standards of this section and §§ 200.317, 200.318, and 200.319 for any of the following methods of procurement used for the acquisition of property or services required under a Federal award or sub-award.

- (a) *Informal procurement methods.* When the value of the procurement for property or services under a Federal award does not exceed the *simplified acquisition threshold (SAT)*, as defined in § 200.1, or a lower threshold established by a non-Federal entity, formal procurement methods are not required. The non-Federal entity may use informal procurement methods to expedite the completion of its transactions and minimize the associated administrative burden and cost. The informal methods used for procurement of property or services at or below the SAT include:
- (1) *Micro-purchases* —

- (i) *Distribution.* The acquisition of supplies or services, the aggregate dollar amount of which does not exceed the micro-purchase threshold (See the definition of *micro-purchase* in § 200.1). To the maximum extent practicable, the non-Federal entity should distribute micro-purchases equitably among qualified suppliers.
 - (ii) *Micro-purchase awards.* Micro-purchases may be awarded without soliciting competitive price or rate quotations if the non-Federal entity considers the price to be reasonable based on research, experience, purchase history or other information and documents it files accordingly. Purchase cards can be used for micro-purchases if procedures are documented and approved by the non-Federal entity.
 - (iii) *Micro-purchase thresholds.* The non-Federal entity is responsible for determining and documenting an appropriate micro-purchase threshold based on internal controls, an evaluation of risk, and its documented procurement procedures. The micro-purchase threshold used by the non-Federal entity must be authorized or not prohibited under State, local, or tribal laws or regulations. Non-Federal entities may establish a threshold higher than the Federal threshold established in the Federal Acquisition Regulations (FAR) in accordance with paragraphs (a)(1)(iv) and (v) of this section.
 - (iv) *Non-Federal entity increase to the micro-purchase threshold up to \$50,000.* Non-Federal entities may establish a threshold higher than the micro-purchase threshold identified in the FAR in accordance with the requirements of this section. The non-Federal entity may self-certify a threshold up to \$50,000 on an annual basis and must maintain documentation to be made available to the Federal awarding agency and auditors in accordance with § 200.334. The self-certification must include a justification, clear identification of the threshold, and supporting documentation of any of the following:
 - (A) A qualification as a low-risk auditee, in accordance with the criteria in § 200.520 for the most recent audit;
 - (B) An annual internal institutional risk assessment to identify, mitigate, and manage financial risks; or,
 - (C) For public institutions, a higher threshold consistent with State law.
 - (v) *Non-Federal entity increase to the micro-purchase threshold over \$50,000.* Micro-purchase thresholds higher than \$50,000 must be approved by the cognizant agency for indirect costs. The non-federal entity must submit a request with the requirements included in paragraph (a)(1)(iv) of this section. The increased threshold is valid until there is a change in status in which the justification was approved.
- (2) *Small purchases —*
- (i) *Small purchase procedures.* The acquisition of property or services, the aggregate dollar amount of which is higher than the micro-purchase threshold but does not exceed the simplified acquisition threshold. If small purchase procedures are used, price or rate quotations must be obtained from an adequate number of qualified sources as determined appropriate by the non-Federal entity.

(ii) *Simplified acquisition thresholds.* The non-Federal entity is responsible for determining an appropriate simplified acquisition threshold based on internal controls, an evaluation of risk and its documented procurement procedures which must not exceed the threshold established in the FAR. When applicable, a lower simplified acquisition threshold used by the non-Federal entity must be authorized or not prohibited under State, local, or tribal laws or regulations.

(b) *Formal procurement methods.* When the value of the procurement for property or services under a Federal financial assistance award exceeds the SAT, or a lower threshold established by a non-Federal entity, formal procurement methods are required. Formal procurement methods require following documented procedures. Formal procurement methods also require public advertising unless a non-competitive procurement can be used in accordance with § 200.319 or paragraph (c) of this section. The following formal methods of procurement are used for procurement of property or services above the simplified acquisition threshold or a value below the simplified acquisition threshold the non-Federal entity determines to be appropriate:

(1) *Sealed bids.* A procurement method in which bids are publicly solicited and a firm fixed-price contract (lump sum or unit price) is awarded to the responsible bidder whose bid, conforming with all the material terms and conditions of the invitation for bids, is the lowest in price. The sealed bids method is the preferred method for procuring construction, if the conditions.

(i) In order for sealed bidding to be feasible, the following conditions should be present:

- (A) A complete, adequate, and realistic specification or purchase description is available;
- (B) Two or more responsible bidders are willing and able to compete effectively for the business; and
- (C) The procurement lends itself to a firm fixed price contract and the selection of the successful bidder can be made principally on the basis of price.

(ii) If sealed bids are used, the following requirements apply:

- (A) Bids must be solicited from an adequate number of qualified sources, providing them sufficient response time prior to the date set for opening the bids, for local, and tribal governments, the invitation for bids must be publicly advertised;
- (B) The invitation for bids, which will include any specifications and pertinent attachments, must define the items or services in order for the bidder to properly respond;
- (C) All bids will be opened at the time and place prescribed in the invitation for bids, and for local and tribal governments, the bids must be opened publicly;
- (D) A firm fixed price contract award will be made in writing to the lowest responsive and responsible bidder. Where specified in bidding documents, factors such as discounts, transportation cost, and life cycle costs must be considered in determining which bid is lowest. Payment discounts will only be used to determine the low bid when prior experience indicates that such discounts are usually taken advantage of; and
- (E) Any or all bids may be rejected if there is a sound documented reason.

(2) *Proposals.* A procurement method in which either a fixed price or cost-reimbursement type contract is awarded. Proposals are generally used when conditions are not appropriate for the use of sealed bids. They are awarded in accordance with the following requirements:

- (i) Requests for proposals must be publicized and identify all evaluation factors and their relative importance. Proposals must be solicited from an adequate number of qualified offerors. Any response to publicized requests for proposals must be considered to the maximum extent practical;
 - (ii) The non-Federal entity must have a written method for conducting technical evaluations of the proposals received and making selections;
 - (iii) Contracts must be awarded to the responsible offeror whose proposal is most advantageous to the non-Federal entity, with price and other factors considered; and
 - (iv) The non-Federal entity may use competitive proposal procedures for qualifications-based procurement of architectural/engineering (A/E) professional services whereby offeror's qualifications are evaluated and the most qualified offeror is selected, subject to negotiation of fair and reasonable compensation. The method, where price is not used as a selection factor, can only be used in procurement of A/E professional services. It cannot be used to purchase other types of services though A/E firms that are a potential source to perform the proposed effort.
- (c) *Noncompetitive procurement.* There are specific circumstances in which noncompetitive procurement can be used. Noncompetitive procurement can only be awarded if one or more of the following circumstances apply:
- (1) The acquisition of property or services, the aggregate dollar amount of which does not exceed the micro-purchase threshold (see paragraph (a)(1) of this section);
 - (2) The item is available only from a single source;
 - (3) The public exigency or emergency for the requirement will not permit a delay resulting from publicizing a competitive solicitation;
 - (4) The Federal awarding agency or pass-through entity expressly authorizes a noncompetitive procurement in response to a written request from the non-Federal entity; or
 - (5) After solicitation of a number of sources, competition is determined inadequate.

§ 200.321 Contracting with small and minority businesses, women's business enterprises, and labor surplus area firms.

- (a) The non-Federal entity must take all necessary affirmative steps to assure that minority businesses, women's business enterprises, and labor surplus area firms are used when possible.
- (b) Affirmative steps must include:
 - (1) Placing qualified small and minority businesses and women's business enterprises on solicitation lists;
 - (2) Assuring that small and minority businesses, and women's business enterprises are solicited whenever they are potential sources;
 - (3) Dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by small and minority businesses, and women's business enterprises;
 - (4) Establishing delivery schedules, where the requirement permits, which encourage participation by small and minority businesses, and women's business enterprises;

- (5) Using the services and assistance, as appropriate, of such organizations as the Small Business Administration and the Minority Business Development Agency of the Department of Commerce; and
- (6) Requiring the prime contractor, if subcontracts are to be let, to take the affirmative steps listed in paragraphs (b)(1) through (5) of this section.

§ 200.322 Domestic preferences for procurements.

- (a) As appropriate and to the extent consistent with law, the non-Federal entity should, to the greatest extent practicable under a Federal award, provide a preference for the purchase, acquisition, or use of goods, products, or materials produced in the United States (including but not limited to iron, aluminum, steel, cement, and other manufactured products). The requirements of this section must be included in all subawards including all contracts and purchase orders for work or products under this award.
- (b) For purposes of this section:
 - (1) “Produced in the United States” means, for iron and steel products, that all manufacturing processes, from the initial melting stage through the application of coatings, occurred in the United States.
 - (2) “Manufactured products” means items and construction materials composed in whole or in part of non-ferrous metals such as aluminum; plastics and polymer-based products such as polyvinyl chloride pipe; aggregates such as concrete; glass, including optical fiber; and lumber.
- (c) Federal agencies providing Federal financial assistance for infrastructure projects must implement the Buy America preferences set forth in 2 CFR part 184.

[85 FR 49543, Aug. 13, 2020, as amended at 88 FR 57790, Aug. 23, 2023]

§ 200.323 Procurement of recovered materials.

A non-Federal entity that is a state agency or agency of a political subdivision of a state and its contractors must comply with section 6002 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act. The requirements of Section 6002 include procuring only items designated in guidelines of the Environmental Protection Agency (EPA) at 40 CFR part 247 that contain the highest percentage of recovered materials practicable, consistent with maintaining a satisfactory level of competition, where the purchase price of the item exceeds \$10,000 or the value of the quantity acquired during the preceding fiscal year exceeded \$10,000; procuring solid waste management services in a manner that maximizes energy and resource recovery; and establishing an affirmative procurement program for procurement of recovered materials identified in the EPA guidelines.

§ 200.324 Contract cost and price.

- (a) The non-Federal entity must perform a cost or price analysis in connection with every procurement action in excess of the Simplified Acquisition Threshold including contract modifications. The method and degree of analysis is dependent on the facts surrounding the particular procurement situation, but as a starting point, the non-Federal entity must make independent estimates before receiving bids or proposals.

- (b) The non-Federal entity must negotiate profit as a separate element of the price for each contract in which there is no price competition and in all cases where cost analysis is performed. To establish a fair and reasonable profit, consideration must be given to the complexity of the work to be performed, the risk borne by the contractor, the contractor's investment, the amount of subcontracting, the quality of its record of past performance, and industry profit rates in the surrounding geographical area for similar work.
- (c) Costs or prices based on estimated costs for contracts under the Federal award are allowable only to the extent that costs incurred or cost estimates included in negotiated prices would be allowable for the non-Federal entity under subpart E of this part. The non-Federal entity may reference its own cost principles that comply with the Federal cost principles.
- (d) The cost plus a percentage of cost and percentage of construction cost methods of contracting must not be used.

§ 200.325 Federal awarding agency or pass-through entity review.

- (a) The non-Federal entity must make available, upon request of the Federal awarding agency or pass-through entity, technical specifications on proposed procurements where the Federal awarding agency or pass-through entity believes such review is needed to ensure that the item or service specified is the one being proposed for acquisition. This review generally will take place prior to the time the specification is incorporated into a solicitation document. However, if the non-Federal entity desires to have the review accomplished after a solicitation has been developed, the Federal awarding agency or pass-through entity may still review the specifications, with such review usually limited to the technical aspects of the proposed purchase.
- (b) The non-Federal entity must make available upon request, for the Federal awarding agency or pass-through entity pre-procurement review, procurement documents, such as requests for proposals or invitations for bids, or independent cost estimates, when:
 - (1) The non-Federal entity's procurement procedures or operation fails to comply with the procurement standards in this part;
 - (2) The procurement is expected to exceed the Simplified Acquisition Threshold and is to be awarded without competition or only one bid or offer is received in response to a solicitation;
 - (3) The procurement, which is expected to exceed the Simplified Acquisition Threshold, specifies a "brand name" product;
 - (4) The proposed contract is more than the Simplified Acquisition Threshold and is to be awarded to other than the apparent low bidder under a sealed bid procurement; or
 - (5) A proposed contract modification changes the scope of a contract or increases the contract amount by more than the Simplified Acquisition Threshold.
- (c) The non-Federal entity is exempt from the pre-procurement review in paragraph (b) of this section if the Federal awarding agency or pass-through entity determines that its procurement systems comply with the standards of this part.
 - (1) The non-Federal entity may request that its procurement system be reviewed by the Federal awarding agency or pass-through entity to determine whether its system meets these standards in order for its system to be certified. Generally, these reviews must occur where there is continuous high-dollar funding, and third-party contracts are awarded on a regular basis;

- (2) The non-Federal entity may self-certify its procurement system. Such self-certification must not limit the Federal awarding agency's right to survey the system. Under a self-certification procedure, the Federal awarding agency may rely on written assurances from the non-Federal entity that it is complying with these standards. The non-Federal entity must cite specific policies, procedures, regulations, or standards as being in compliance with these requirements and have its system available for review.

§ 200.326 Bonding requirements.

For construction or facility improvement contracts or subcontracts exceeding the Simplified Acquisition Threshold, the Federal awarding agency or pass-through entity may accept the bonding policy and requirements of the non-Federal entity provided that the Federal awarding agency or pass-through entity has made a determination that the Federal interest is adequately protected. If such a determination has not been made, the minimum requirements must be as follows:

- (a) A bid guarantee from each bidder equivalent to five percent of the bid price. The “bid guarantee” must consist of a firm commitment such as a bid bond, certified check, or other negotiable instrument accompanying a bid as assurance that the bidder will, upon acceptance of the bid, execute such contractual documents as may be required within the time specified.
- (b) A performance bond on the part of the contractor for 100 percent of the contract price. A “performance bond” is one executed in connection with a contract to secure fulfillment of all the contractor's requirements under such contract.
- (c) A payment bond on the part of the contractor for 100 percent of the contract price. A “payment bond” is one executed in connection with a contract to assure payment as required by law of all persons supplying labor and material in the execution of the work provided for in the contract.

§ 200.327 Contract provisions.

The non-Federal entity's contracts must contain the applicable provisions described in appendix II to this part.

2. *Administrative and National Policy Requirements—Required.* This section must identify the usual administrative and national policy requirements the Federal awarding agency's Federal awards may include. Providing this information lets a potential applicant identify any requirements with which it would have difficulty complying if its application is successful. In those cases, early notification about the requirements allows the potential applicant to decide not to apply or to take needed actions before receiving the Federal award. The announcement need not include all of the terms and conditions of the Federal award, but may refer to a document (with information about how to obtain it) or Internet site where applicants can see the terms and conditions. If this funding opportunity will lead to Federal awards with some special terms and conditions that differ from the Federal awarding agency's usual (sometimes called "general") terms and conditions, this section should highlight those special terms and conditions. Doing so will alert applicants that have received Federal awards from the Federal awarding agency previously and might not otherwise expect different terms and conditions. For the same reason, the announcement should inform potential applicants about special requirements that could apply to particular Federal awards after the review of applications and other information, based on the particular circumstances of the effort to be supported (e.g., if human subjects were to be involved or if some situations may justify special terms on intellectual property, data sharing or security requirements).

3. *Reporting—Required.* This section must include general information about the type (e.g., financial or performance), frequency, and means of submission (paper or electronic) of post-Federal award reporting requirements. Highlight any special reporting requirements for Federal awards under this funding opportunity that differ (e.g., by report type, frequency, form/format, or circumstances for use) from what the Federal awarding agency's Federal awards usually require. Federal awarding agencies must also describe in this section all relevant requirements such as those at 2 CFR 180.335 and 180.350.

If the Federal share of any Federal award may include more than \$500,000 over the period of performance, this section must inform potential applicants about the post award reporting requirements reflected in appendix XII to this part.

G. FEDERAL AWARDING AGENCY CONTACT(S)—REQUIRED

The announcement must give potential applicants a point(s) of contact for answering questions or helping with problems while the funding opportunity is open. The intent of

this requirement is to be as helpful as possible to potential applicants, so the Federal awarding agency should consider approaches such as giving:

- i. Points of contact who may be reached in multiple ways (e.g., by telephone, FAX, and/or email, as well as regular mail).
- ii. A fax or email address that multiple people access, so that someone will respond even if others are unexpectedly absent during critical periods.
- iii. Different contacts for distinct kinds of help (e.g., one for questions of programmatic content and a second for administrative questions).

H. OTHER INFORMATION—OPTIONAL

This section may include any additional information that will assist a potential applicant. For example, the section might:

- i. Indicate whether this is a new program or a one-time initiative.
- ii. Mention related programs or other upcoming or ongoing Federal awarding agency funding opportunities for similar activities.
- iii. Include current Internet addresses for Federal awarding agency Web sites that may be useful to an applicant in understanding the program.
- iv. Alert applicants to the need to identify proprietary information and inform them about the way the Federal awarding agency will handle it.
- v. Include certain routine notices to applicants (e.g., that the Federal Government is not obligated to make any Federal award as a result of the announcement or that only grants officers can bind the Federal Government to the expenditure of funds).

[78 FR 78608, Dec. 26, 2013, as amended at 80 FR 43310, July 22, 2015; 85 FR 49575, Aug. 13, 2020]

APPENDIX II TO PART 200—CONTRACT PROVISIONS FOR NON-FEDERAL ENTITY CONTRACTS UNDER FEDERAL AWARDS

In addition to other provisions required by the Federal agency or non-Federal entity, all contracts made by the non-Federal entity under the Federal award must contain provisions covering the following, as applicable.

(A) Contracts for more than the simplified acquisition threshold, which is the inflation adjusted amount determined by the Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council (Councils) as authorized by 41 U.S.C. 1908, must address administrative, contractual, or legal remedies in instances where contractors violate or breach contract terms, and provide for such sanctions and penalties as appropriate.

(B) All contracts in excess of \$10,000 must address termination for cause and for convenience by the non-Federal entity including

the manner by which it will be effected and the basis for settlement.

(C) Equal Employment Opportunity. Except as otherwise provided under 41 CFR Part 60, all contracts that meet the definition of “federally assisted construction contract” in 41 CFR Part 60–1.3 must include the equal opportunity clause provided under 41 CFR 60–1.4(b), in accordance with Executive Order 11246, “Equal Employment Opportunity” (30 FR 12319, 12935, 3 CFR Part, 1964–1965 Comp., p. 339), as amended by Executive Order 11375, “Amending Executive Order 11246 Relating to Equal Employment Opportunity,” and implementing regulations at 41 CFR part 60, “Office of Federal Contract Compliance Programs, Equal Employment Opportunity, Department of Labor.”

(D) Davis-Bacon Act, as amended (40 U.S.C. 3141–3148). When required by Federal program legislation, all prime construction contracts in excess of \$2,000 awarded by non-Federal entities must include a provision for compliance with the Davis-Bacon Act (40 U.S.C. 3141–3144, and 3146–3148) as supplemented by Department of Labor regulations (29 CFR Part 5, “Labor Standards Provisions Applicable to Contracts Covering Federally Financed and Assisted Construction”). In accordance with the statute, contractors must be required to pay wages to laborers and mechanics at a rate not less than the prevailing wages specified in a wage determination made by the Secretary of Labor. In addition, contractors must be required to pay wages not less than once a week. The non-Federal entity must place a copy of the current prevailing wage determination issued by the Department of Labor in each solicitation. The decision to award a contract or subcontract must be conditioned upon the acceptance of the wage determination. The non-Federal entity must report all suspected or reported violations to the Federal awarding agency. The contracts must also include a provision for compliance with the Copeland “Anti-Kickback” Act (40 U.S.C. 3145), as supplemented by Department of Labor regulations (29 CFR Part 3, “Contractors and Subcontractors on Public Building or Public Work Financed in Whole or in Part by Loans or Grants from the United States”). The Act provides that each contractor or subrecipient must be prohibited from inducing, by any means, any person employed in the construction, completion, or repair of public work, to give up any part of the compensation to which he or she is otherwise entitled. The non-Federal entity must report all suspected or reported violations to the Federal awarding agency.

(E) Contract Work Hours and Safety Standards Act (40 U.S.C. 3701–3708). Where applicable, all contracts awarded by the non-Federal entity in excess of \$100,000 that involve the employment of mechanics or laborers must include a provision for compliance

with 40 U.S.C. 3702 and 3704, as supplemented by Department of Labor regulations (29 CFR Part 5). Under 40 U.S.C. 3702 of the Act, each contractor must be required to compute the wages of every mechanic and laborer on the basis of a standard work week of 40 hours. Work in excess of the standard work week is permissible provided that the worker is compensated at a rate of not less than one and a half times the basic rate of pay for all hours worked in excess of 40 hours in the work week. The requirements of 40 U.S.C. 3704 are applicable to construction work and provide that no laborer or mechanic must be required to work in surroundings or under working conditions which are unsanitary, hazardous or dangerous. These requirements do not apply to the purchases of supplies or materials or articles ordinarily available on the open market, or contracts for transportation or transmission of intelligence.

(F) Rights to Inventions Made Under a Contract or Agreement. If the Federal award meets the definition of “funding agreement” under 37 CFR §401.2 (a) and the recipient or subrecipient wishes to enter into a contract with a small business firm or nonprofit organization regarding the substitution of parties, assignment or performance of experimental, developmental, or research work under that “funding agreement,” the recipient or subrecipient must comply with the requirements of 37 CFR Part 401, “Rights to Inventions Made by Nonprofit Organizations and Small Business Firms Under Government Grants, Contracts and Cooperative Agreements,” and any implementing regulations issued by the awarding agency.

(G) Clean Air Act (42 U.S.C. 7401–7671q.) and the Federal Water Pollution Control Act (33 U.S.C. 1251–1387), as amended—Contracts and subgrants of amounts in excess of \$150,000 must contain a provision that requires the non-Federal award to agree to comply with all applicable standards, orders or regulations issued pursuant to the Clean Air Act (42 U.S.C. 7401–7671q) and the Federal Water Pollution Control Act as amended (33 U.S.C. 1251–1387). Violations must be reported to the Federal awarding agency and the Regional Office of the Environmental Protection Agency (EPA).

(H) Debarment and Suspension (Executive Orders 12549 and 12689)—A contract award (see 2 CFR 180.220) must not be made to parties listed on the governmentwide exclusions in the System for Award Management (SAM), in accordance with the OMB guidelines at 2 CFR 180 that implement Executive Orders 12549 (3 CFR part 1986 Comp., p. 189) and 12689 (3 CFR part 1989 Comp., p. 235), “Debarment and Suspension.” SAM Exclusions contains the names of parties debarred, suspended, or otherwise excluded by agencies, as well as parties declared ineligible under statutory or regulatory authority other than Executive Order 12549.

(I) Byrd Anti-Lobbying Amendment (31 U.S.C. 1352)—Contractors that apply or bid for an award exceeding \$100,000 must file the required certification. Each tier certifies to the tier above that it will not and has not used Federal appropriated funds to pay any person or organization for influencing or attempting to influence an officer or employee of any agency, a member of Congress, officer or employee of Congress, or an employee of a member of Congress in connection with obtaining any Federal contract, grant or any other award covered by 31 U.S.C. 1352. Each tier must also disclose any lobbying with non-Federal funds that takes place in connection with obtaining any Federal award. Such disclosures are forwarded from tier to tier up to the non-Federal award.

(J) See §200.323.

(K) See §200.216.

(L) See §200.322.

[78 FR 78608, Dec. 26, 2013, as amended at 79 FR 75888, Dec. 19, 2014; 85 FR 49577, Aug. 13, 2020]

APPENDIX III TO PART 200—INDIRECT (F&A) COSTS IDENTIFICATION AND ASSIGNMENT, AND RATE DETERMINATION FOR INSTITUTIONS OF HIGHER EDUCATION (IHES)

A. GENERAL

This appendix provides criteria for identifying and computing indirect (or indirect (F&A)) rates at IHES (institutions). Indirect (F&A) costs are those that are incurred for common or joint objectives and therefore cannot be identified readily and specifically with a particular sponsored project, an instructional activity, or any other institutional activity. See subsection B.1 for a discussion of the components of indirect (F&A) costs.

1. Major Functions of an Institution

Refers to instruction, organized research, other sponsored activities and other institutional activities as defined in this section:

a. *Instruction* means the teaching and training activities of an institution. Except for research training as provided in subsection b, this term includes all teaching and training activities, whether they are offered for credits toward a degree or certificate or on a non-credit basis, and whether they are offered through regular academic departments or separate divisions, such as a summer school division or an extension division. Also considered part of this major function are departmental research, and, where agreed to, university research.

(1) *Sponsored instruction and training* means specific instructional or training activity established by grant, contract, or cooperative agreement. For purposes of the cost prin-

ciples, this activity may be considered a major function even though an institution's accounting treatment may include it in the instruction function.

(2) *Departmental research* means research, development and scholarly activities that are not organized research and, consequently, are not separately budgeted and accounted for. Departmental research, for purposes of this document, is not considered as a major function, but as a part of the instruction function of the institution.

(3) Only mandatory cost sharing or cost sharing specifically committed in the project budget must be included in the organized research base for computing the indirect (F&A) cost rate or reflected in any allocation of indirect costs. Salary costs above statutory limits are not considered cost sharing.

b. *Organized research* means all research and development activities of an institution that are separately budgeted and accounted for. It includes:

(1) *Sponsored research* means all research and development activities that are sponsored by Federal and non-Federal agencies and organizations. This term includes activities involving the training of individuals in research techniques (commonly called research training) where such activities utilize the same facilities as other research and development activities and where such activities are not included in the instruction function.

(2) *University research* means all research and development activities that are separately budgeted and accounted for by the institution under an internal application of institutional funds. University research, for purposes of this document, must be combined with sponsored research under the function of organized research.

c. *Other sponsored activities* means programs and projects financed by Federal and non-Federal agencies and organizations which involve the performance of work other than instruction and organized research. Examples of such programs and projects are health service projects and community service programs. However, when any of these activities are undertaken by the institution without outside support, they may be classified as other institutional activities.

d. *Other institutional activities* means all activities of an institution except for instruction, departmental research, organized research, and other sponsored activities, as defined in this section; indirect (F&A) cost activities identified in this Appendix paragraph B, Identification and assignment of indirect (F&A) costs; and specialized services facilities described in §200.468 of this part.

2. Criteria for Distribution

a. *Base period*. A base period for distribution of indirect (F&A) costs is the period during which the costs are incurred. The



Standardized Agenda Request Form

Date of Meeting: January 2, 2024		Agenda Item No. (to be assigned by CSO): 2023-7195	
From:			
Subject: Discussion and consideration to approve a Grant Application Agreement with Halff Associates for the Harlon Block and surrounding area Regional Detention Facility project and authorize the Mayor to execute any related documents. Possible action. (Staffed by Engineering Department.)			
Background: This proposal is to provide professional services to submit grant applications to the Flood Infrastructure Fund and/or Flood Mitigation Assistance (FMA) Grant Program for Harlon Block and the Surrounding Areas. Halff understands they have been selected for the design and construction administration of this project and will submit a proposal for these services once the scope of work and the understanding of the funding awards are better understood. The proposal is not to exceed \$85,000 and expenses are to be included within the proposal for possible reimbursement.			
Funding Source (budget code, if applicable):			
Amount:	Term of Impact:	Identified in Current Budget:	
Additional Action Prompted: Mayor's Signature			
If item previously considered, provide date and action by Commission:			
If item requires Publication Notice, provide date and periodical of publication; indicate if comments received from letters mailed to property owners:			
Advisory Review, if any (name of board/committee, date of action, recommendation):			
ADELAIDA VEGA Albert Aldana Martin Garza		Created/Initiated Approved New	
City Manager Comments: Approve as recommended by staff.			
Staff Recommendation: Staff recommends approval.			
Attachments, if any: Harlon Block Grant Phase Proposal_revised			
Responsibilities upon Approval: Execute agreement.			



December 28, 2023

Martin Garza
City Manager
City of Weslaco
255 South Kansas Ave.
Weslaco, Texas 78596

Re: Professional Engineering Services for the Flood Infrastructure Fund and/or Flood Mitigation Assistance (FMA) Grant Program for Harlon Block and Surrounding Areas - RFQ No.: 2023-24-04

Dear Mr. Garza:

We are pleased to submit this proposal to provide professional services to submit grant applications to the Flood Infrastructure Fund and/or Flood Mitigation Assistance (FMA) Grant Program for Harlon Block and the Surrounding Areas. We understand that we have been selected for the design and construction administration of this project and will submit a proposal for these services once the scope of work and the understanding of the funding awards are better understood. Halff is committed to the City and the community. We appreciate the opportunity to be part of your team and look forward to working with you on this project.

We have provided a schedule (see Exhibit 'A') showing our proposed scope of services and fees for the grant application phase of this project. The fees identified shall be billed hourly services. These fees will not be exceeded without your prior approval. Our services will be invoiced monthly based on the work completed.

Direct costs including review fees, printing and reproduction, postage, messenger service, long distance telephone calls and travel will be considered reimbursable expenses. Reimbursable expenses will be billed separately at 1.10 times the direct cost incurred.

The fees established are based on the information provided by the Client. The fees do not include scope revisions or additions once the project is under way. Additional work requested by the Client will require a revision to the scope and fees established in this proposal.

We trust this proposal meets your requirements for this project. We appreciate the opportunity to be of service to you and trust that our association on this project will be mutually beneficial.

Sincerely,

A handwritten signature in blue ink, appearing to read "Kristina Leal", written over a faint, stylized blue grid pattern.

Kristina Leal, PE, CFM
Water Resources Team Leader

ATTACHMENT A
TO
PROFESSIONAL SERVICES AGREEMENT

Professional Engineering Services for the Flood Infrastructure Fund and/or Flood Mitigation Assistance (FMA) Grant Program for Harlon Block and Surrounding Areas
RFQ No.: 2023-24-04

SCOPE OF SERVICES

Halff is to provide professional services to submit grant applications to the Flood Infrastructure Fund and/or Flood Mitigation Assistance (FMA) Grant Program for Harlon Block and the Surrounding Areas. Halff has been selected for the design and construction administration of this project and will amend this list of services, and the associated fees, as the City is ready to proceed. The grant application phase services will include the necessary professional engineering services and grant writing services necessary to submit grant applications to the Flood Infrastructure Fund and the Flood Mitigation Assistance (FMA) Grant Program, both through the Texas Water Development Board, for the above referenced project.

The Project Scope consists of the preparation of grant applications to assist the City with funding the regional detention facility proposed at the Harlon Block Sports Complex and other nearby properties, similar to what was proposed in the Weslaco Storm Water Improvement Plan. It is assumed that the total improvements included in this project will include 2 proposed detention ponds, channel widening, culvert upsizing, and actual improvements to the park infrastructure. The figure to the right shows the proposed project improvements.

The first pond is located at the Harlon Block Sports Complex and is approximately 150 acre-feet. The second pond is located just southeast of South Farm to Market 88 and Mile 5 North Road within an empty field. Both ponds contain inlet and outlet reinforced concrete pipes (RCPs) ranging from 36 inches to 48 inches in diameter. Channel widening is proposed along the adjacent channels of Harlon Block Sports Complex and ranges from a bottom width increases of 10 to 15 feet. Culvert improvements include one 8'x4' reinforced concrete box (RCB) just south of Harlon Block Sports Complex, connecting the two existing east and west channels. Additional culvert improvements include one 8'x4' RCB and one 72" RCP running south along South Border Avenue, connecting the west and east channels.



The project will be such that a positive benefit cost ratio can be obtained with no negative impacts created, and the City's match within \$10,000,000 to \$12,000,000. The proposed detention facility will lower the areas around the existing baseball fields and adjust the existing walkways, roadways, parking areas, and irrigation systems, as needed. New stadium lighting for the practice fields will also be proposed.

Scope of Work

Grant Application Assistance

The following tasks are necessary to develop the TWDB grant applications for this proposed project:

- Task 1: Develop a Hydrologic and Hydraulic Model for the Flood Mitigation Project
- Task 2: Perform benefit cost analysis using FEMA BCA software and TWDB BCA Software
- Task 3: Perform environmental constraints assessment/identify permitting requirements
- Task 4: Prepare grant application package
- Task 5: Other items requested and follow-up information

Task 1: Develop a Hydrologic and Hydraulic Model for the Flood Mitigation Project

Prior to beginning work on any of the actual grant applications, it is necessary to develop a flood mitigation project that is eligible for the grant funding sought. For both grant funding sources being applied for this project will require that the project have a benefit cost ratio above 1.0 and contain all the elements that will not create a negative impact on properties upstream or downstream of the project. Part of this scope of services is to develop a hydrologic and hydraulic (H&H) model of Project 4 Phase 3 of the 2018 Weslaco Master Drainage Plan to determine if this project is a feasible flood mitigation project that will not adversely impact areas upstream or downstream of the project area and result in a benefit cost ratio (BCR) above 1. The proposed improvements of Project 4, Phase 1 and 2, from the original 2018 study will have to be removed from the existing H&H model, and the model updated to include the detention pond Hidalgo County Drainage District No. 1 (HCDD1) is proposing downstream as part of their 2018 Drainage Bond Referendum. This HCDD1 project is currently designed to a 95% design level and is scheduled to begin construction in 2024.

Task 2: Perform benefit cost analysis using FEMA BCA software

This project will utilize the model developed in Task 1 to perform the benefit cost analysis using the appropriate BCA software. The most recent version of FEMA's BCA toolkit, or the TWDB BCA Toolkit will be utilized to develop the analysis and submitted to the funding agency for review. Improvements may be added to the H&H model if a satisfactory BCR is not achieved. This process will be conducted iteratively until a project that successfully mitigates all impacts and achieves a BCR over 1 is achieved.

Task 3: Perform environmental constraints assessment/identify permitting requirements

This task is a necessary step when obtaining state and federal grant dollars for projects. This task will include an assessment of both cultural and natural resources in the project limits and identify potential impacts to these resources. This task includes an archaeological background study, windshield survey of non-archaeological historic age resources, evaluation of possible threatened and endangered species habitat, and a jurisdictional determination of waters of the US within the project area. The jurisdictional determination is the first step in determining if a permit from the United States Army Corps of Engineers (USACE) is required. A site visit will be performed to identify the limits of the waters of the United States, including wetlands. This scope of services does not include obtaining USACE section 404 Permit or obtaining an Antiquities Code of Texas Permit to perform site archaeological investigations (shovel testing/ backhoe testing).

This task will identify if these permits are required, and a supplemental scope would be needed to obtain these permits prior to construction (as needed).

Task 4: Prepare two grant application packages

This task will include the compliant compilation of all applicable material necessary to develop a solid and acceptable grant application package. Some coordination with both the City of Weslaco and the Hidalgo County Drainage District No. 1, Hidalgo and Cameron Counties Irrigation District is anticipated to ensure that this application is ready for submittal by January 8, 2024 for the FMA and at a later date for the FIF grant application.

Task 5: Other items requested and follow-up information

This task includes other grant program specific items such as coordinating with the city and other entities for letters of support, repetitive flood claims information, coordination with financial advisors, and other miscellaneous items. This task also includes responding to subsequent request for information and clarification from TWDB.

Proposed Fees		
Task	Description	Fee
<u>Flood Mitigation Assistance (FMA) Grant Program</u>		
Task 1	Develop a Hydrologic and Hydraulic Model for the Flood Mitigation Project	Hourly, Not to exceed \$25,000
Task 2	Perform benefit cost analysis using FEMA BCA software	Hourly, Not to exceed \$15,000
Task 3	Perform environmental constraints assessment/identify permitting requirements	Hourly, Not to exceed \$25,500
Task 4	Prepare grant application packages	Hourly, Not to exceed \$15,500
Task 5	Other items requested and follow-up information	Hourly, Not to exceed \$12,500
	Reimbursable Expenses	\$5,500

The proposed hourly rate schedule is included on the next page for the different labor categories that may be used on this project. The City of Weslaco will only be billed for services actually performed, with a cap, as stated above in the Proposed Fees Table. These caps will not be exceeded, unless approved in writing by the City of Weslaco.

Proposed Hourly Rate Schedule

Labor Category	Level	Hourly Billing Rate Starting on		
		6/1/2023	6/1/2024	6/1/2025
Engineer	I	122.74	127.65	132.76
	II	145.96	151.80	157.87
	III	188.26	195.79	203.62
	IV	242.16	251.85	261.92
	V	315.14	327.75	340.86
Scientist	I	94.54	98.32	102.25
	II	122.74	127.65	132.76
	III	170.84	177.67	184.78
	IV	228.89	238.05	247.57
	V	306.85	319.12	331.88
Landscape/ Planner	I	97.03	100.91	104.95
	II	113.62	118.16	122.89
	III	163.38	169.92	176.72
	IV	208.99	217.35	226.04
	V	260.41	270.83	281.66
Surveyor	I	108.68	113.03	117.55
	II	120.75	125.58	130.60
	III	148.45	154.39	160.57
	IV	184.11	191.47	199.13
	V	243.82	253.57	263.71
Field Tech	I	69.00	71.76	74.63
	II	89.70	93.29	97.02
	III	105.23	109.44	113.82
	IV	146.23	152.08	158.16
	V	216.45	225.11	234.11
Office Tech	I	72.45	75.35	78.36
	II	89.70	93.29	97.02
	III	113.85	118.40	123.14
	IV	143.18	148.91	154.87
	V	184.11	191.47	199.13
Administrative	I	69.00	71.76	74.63
	II	89.57	93.15	96.88
	III	116.44	121.10	125.94
	IV	148.45	154.39	160.57
	V	246.72	256.59	266.85
Specialist	I	92.06	95.74	99.57
	II	123.98	128.94	134.10
	III	165.87	172.50	179.40
	IV	215.63	224.26	233.23
	V	340.02	353.62	367.76